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HOUSE OF REPRESENTATIVES

COMMITTEE ON THE MERCHANT MARINE

IN 1885

REPORT

ON THE

COMMERCE OF THE UNITED STATES

THE
REPORTS OF THE COMMITTEES

OF THE

HOUSE OF REPRESENTATIVES,

MADE DURING THE

SECOND SESSION THIRTY-EIGHTH CONGRESS,

1864-'65.

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REPORTS OF COMMITTEES

OF

THE HOUSE OF REPRESENTATIVES,

THIRTY EIGHTH CONGRESS, SECOND SESSION, 1864-'65.

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HULL & COZZENS AND JOHN NAYLOR & CO.

[To accompany bill H. R. No. 713.]

JANUARY 27, 1865.—Ordered to be printed.

Mr. HALE, from the Committee of Claims, made the following

REPORT.

The Committee of Claims, to whom was referred the petition of Hull & Cozzens and of John Naylor & Co., have had the same under consideration, and report :

That this case has been examined and reported upon by the Committee of Claims at the first session of the 35th Congress, at the first session of the 36th Congress, and the third session of the 37th Congress, all agreeing that the claim is just. Concurring in these reports, the committee adopt the same, and report the accompanying bill, and recommend its passage.

IN THE HOUSE OF REPRESENTATIVES, JANUARY 16, 1863.

Mr. FENTON, from the Committee of Claims, made the following report:

The Committee of Claims, to whom was referred the petition of Hull & Cozzens and of John Naylor & Co., "asking pay for labor performed and materials furnished in the construction of the capitol building at Omaha city, in Nebraska Territory, under contracts with the governor of said Territory," have had the same under consideration, and report :

That this case was examined and reported on by this committee at the first session of the 35th Congress, and again at the first session of the 36th Congress, both reports agreeing. Concurring in the reports then made, your committee adopt the same, and report the accompanying bill, and recommend its passage.

That Mark W. Izzard, then governor of Nebraska, made contracts with the petitioners for furnishing certain materials for the capitol buildings at Omaha city, which contracts are properly stated in the two accounts filed, as follows:

The United States to John Naylor & Co., Dr.

To galvanized iron cornice, for capitol building at Omaha city, Nebraska Territory, as per contract made with Hon. Mark W. Izzard, governor of Nebraska, dated at St. Louis, Missouri, February 25, 1856..... \$4,600

Credit:

September 10, 1856. By cash.....	\$2,000	
October 25, 1856. By cash.....	600	
		2,600
		2,000

The United States to Hull & Cozzens, Dr.

To cast-iron capitals for the capitol building at Omaha city, Nebraska Territory, as per contract made with Mark W. Izzard, and dated at St. Louis, Missouri, November 28, 1855..... \$4,336

Credit:

September 10, 1856. By cash.....	\$2,000	
October 25, 1856. By cash	1,000	
		3,000
		1,336

The petitioners allege that the balances stated on these accounts are unpaid and still justly due them, as they performed their part of these several contracts faithfully and promptly. In reply to a call made upon the Treasury Department by the Hon. F. Ferguson, the Secretary of the Treasury transmitted the following report from the First Comptroller of the Treasury:

TREASURY DEPARTMENT,
Comptroller's Office, March 16, 1858.

SIR: I have to acknowledge the reference to this office, on the 11th instant, of the letter of Hon. F. Ferguson, delegate from Nebraska, in relation to certain unsatisfied contracts entered into, in order to the erection of the public buildings in that Territory, dated the day previous, and to state, in reply, that the accounts of Hon. M. W. Izzard, late governor, show Messrs. Naylor & Co. to have received on their contract \$2,600, and Messrs. Hull & Cozzens \$3,000, leaving the balances still due them thereon the same as stated by Mr. Ferguson, namely, \$2,000 and \$1,336, respectively.

As regards the matter in general, that is, the probable amount required to complete said buildings, the information furnished by the papers at the disposal of this office is insufficient to the formation of any definite result.

I would, however, respectfully suggest that Mr. Cuming, the present territorial secretary, from his long residence in the Territory and consequent knowledge of its affairs, both public and private, might doubtless furnish a reliable estimate on which a further appropriation could be based, should such, in your discretion, be deemed a proper subject of recommendation to Congress.

Mr. Ferguson's letter is herewith returned.

I am, respectfully, your obedient servant,

W. MEDILL, *Comptroller.*

Hon. HOWELL COBB,

Secretary of the Treasury.

Copies of the contracts, on file with the papers in the case, establish the facts as alleged in the petition, and as shown by the report of the Comptroller, and it appears that the only difficulty in the way of payment was the want of an appropriation out of which to draw the money. Your committee think that if these parties faithfully executed their contract with the government they should be paid such amount as may be found due them upon a proper settlement at the Treasury Department, and for that purpose they report the accompanying bill, and recommend its passage.

M J. WERTHEIMER.

JANUARY 27, 1865.—Ordered to be printed.

Mr. HALE, from the Committee of Claims, made the following

REPORT.

The Committee of Claims, to whom was referred the petition of Morris J. Wertheimer, asking Congress to pay him for certain property taken from him in Booneville, Missouri, on the 11th of October, 1863, by the rebel forces, having had the same under consideration, report :

That by the showing of the petitioner the property for which he claims compensation was unlawfully taken from his possession by the rebel enemies of the government of the United States, and however much your committee may sympathize with the petitioner in his loss, they do not think the government bound to make it good; and whatever it may see proper at some future time to do for the relief of this large class of sufferers, it would be manifestly unwise and impolitic at present to do so. The committee, therefore, recommend that the prayer of the petitioner be not granted, and the committee be discharged from the further consideration of the subject.

To the honorable the Congress of the United States :

Morris J. Wertheimer makes oath and says, that he is a loyal citizen of the United States, residing in the city of Booneville, in Cooper county, Missouri, and that he has borne true faith and allegiance to the government of the United States, and not given any aid or comfort to the enemies thereof during the present rebellion; that his business is that of a clothing merchant, and on the 11th day of October, 1863, the rebel forces under the command of Joseph Shelby entered the said city of Booneville, and forced their way into the store-room of this affiant, and forcibly and violently and against the consent of affiant, and without paying anything therefor, took from him and carried away the following goods, viz :

30 overcoats, at \$11.....	\$330 00
10 fine coats, at \$25.....	250 00
6 fine coats, at \$16 50.....	99 00
6 fine coats, at \$12.....	72 00
12 black cloth coats, at \$20.....	240 00
8 seal-skin coats, at \$15.....	120 00
12 beaver coats, at \$14.....	168 00
20 cassinet overcoats, at \$9.....	180 00
6 overcoats, at \$7.....	42 00
30 boy's overcoats, at \$6 50.....	195 00
20 cloth dress coats, at \$18.....	360 00

30 assorted cassinet coats, at \$12.....	\$360 00
20 cassinet coats, at \$8.....	160 00
80 assorted vests, at \$4.....	320 00
40 pair assorted pants, at \$5.....	300 00
10 cases boots, at \$4 50 per pair.....	540 00
20 dozen assorted shirts, at \$18.....	360 00
Gloves, handkerchiefs, hats, &c., &c.....	200 00
	4,296 00

And further says, that the said goods were worth the amounts annexed thereto.

Wherefore he respectfully asks that the United States reimburse him for said goods so taken as aforesaid. As in duty bound, he will ever pray, &c.

MORRIS J. WERTHEIMER.

Subscribed and sworn before me, clerk of the circuit court of Cooper county, Missouri, this the 21st day of January, 1864. Witness my [L. s.] hand and the seal of said court, at office, the day and date last above written.

JUST. WILLIAMS, *Clerk*

[Clerk's fee 75 cents, paid.]

SAMUEL BROWNING.

[To accompany bill H. R. No. 715.]

JANUARY 27, 1865.—Ordered to be printed.

Mr. W. G. BROWN, from the Committee of Claims, made the following

R E P O R T.

The Committee of Claims, to whom was referred the claim of Samuel Browning, have examined the same, and report :

That the claim is for a house and lot in the city of Memphis, Tennessee.

It appears that this property was within the line of Fort Pickering, and the military authorities ejected the owner therefrom, destroyed the house, and still occupy the grounds. Upon full and satisfactory evidence of the loyalty of the claimant, there seems no doubt but he is entitled to remuneration at the hands of the government for the property thus forcibly taken from him. The committee find great difficulty in concluding upon the value of the property destroyed, owing to the great discrepancy in the testimony before them.

It appears that a board of survey or appraisers was appointed by General Sherman, consisting of Lieutenant Colonel D. W. C. Loudon, of the 70th regiment Ohio volunteers, Major B. D. Fearing, of the 77th, and Major O. W. Fisher, of the 54th Ohio volunteer infantry, who certify the value of the property to be six hundred and twenty-five dollars.

The claimant furnishes a bill of expenditures for building and other improvements upon the premises, (to the correctness of which he makes oath,) amounting in the aggregate to the sum of two thousand seven hundred and seventy-four dollars and thirty-three cents, (\$2,774 33,) as well as the affidavits of five persons, none of whom value the property at less than three thousand eight hundred dollars. The committee do not think parties should be concluded by the finding of these military commissions, neither do they place great reliance upon ex parte affidavits of the neighbors of claimants. From a full examination of this case, they are satisfied that the claimant is, and always has been, loyal to the United States government; that the government took forcible possession of his property, and that he ought to be paid for the same. They therefore report a bill appropriating one thousand four hundred dollars for his relief, and recommend its passage.

FREDERICK SHERIDAN.

[To accompany joint resolution H. R. No. 716.]

JANUARY 27, 1865.—Ordered to be printed.

Mr. W. G. BROWN, from the Committee of Claims, made the following

REPORT.

The Committee of Claims, to whom was referred the petition of Frederick Sheridan, have had the same under consideration, and report:

That the petitioner, in the year 1859, was engaged by Lieutenant John Mullan, U. S. A., to accompany his expedition for the purpose of constructing a military wagon road from Fort Walla-Walla, Washington Territory, to Fort Benton, on the Missouri river.

That while engaged in blasting rock he was so badly injured by a premature discharge that he was totally blind for a long time, and has only partially recovered the sight of one eye, so that he can see in the daytime by the aid of a powerful glass.

Soon after receiving the injury he was sent to Washington, in company of an officer who accompanied the expedition, with an earnest recommendation from the officer in charge that the government assist him in procuring medical treatment for his injuries. The Secretary of War decided that there was no law under which that department could render him aid.

Under these circumstances he applies to Congress for a special act to meet his case.

If this claimant had been in the military service his name would probably have been continued upon the pay-rolls until discharged from medical treatment, and then been placed upon the pension-roll for life. Being in the civil employment of the government, he was immediately discharged, and is not, under any existing law, entitled to a pension.

The committee consider it a case that appeals strongly, not only to the sympathy but to the justice of Congress, and have reported a bill appropriating five hundred dollars for his relief, and recommend his passage.

REPORT

OF THE

COMMISSIONERS OF THE LAND OFFICE

IN RESPONSE TO A RESOLUTION OF THE SENATE

REPORT

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IN RESPONSE TO A RESOLUTION OF THE SENATE

J. J. LINTZ.

[To accompany bill H. R. 717.]

JANUARY 27, 1865.—Ordered to be printed.

Mr. W. G. BROWN, from the Committee of Claims, made the following

R E P O R T.

The Committee of Claims, to whom was referred the memorial of J. J. Lintz, have examined the same, and report:

That from official documents it appears that the memorialist was appointed local agent and engineer for the improvement of the harbor of Erie, Pennsylvania, in 1853, at a compensation of one hundred and twenty dollars per month, by Colonel Abert, with the approval of the Secretary of War. When the appropriation for the work became exhausted, operations were suspended and the memorialist was continued in service as custodian of the public property pertaining to the harbor, at the reduced compensation of two dollars per day.

His claim is \$1,293 33, for services from April 8, 1857, to September 10, 1859, inclusive, no part of which, he avers, has ever been paid him. The correctness of the account is admitted by the officer in charge of the harbor improvements on the lakes and by Colonel J. J. Abert, of the Bureau of Topographical Engineers, whose report accompanies the papers of the petitioner. He received no pay after the 8th of April, 1857, because the appropriation for the improvement of the harbor of Erie had been exhausted previous to that date.

During the first session of the 36th Congress the Senate passed a bill for his relief, and the Committee of Claims of the House of Representatives reported in favor of passing the bill, but it was not reached in the House.

At the 2d session of the 37th Congress another favorable report was made, but not acted upon.

The committee think the claim a just one, report the accompanying bill, and recommend its passage.

J. J. LINTZ

[To accompany H. R. 137]

January 22, 1865.—Ordered to be printed.

Mr. W. G. Brown, from the Committee of Finance, made the following

REPORT.

The Committee of Finance to whom was referred the memorial of J. J. Lintz, have examined the same, and report:

That from official documents it appears that the memorialist was appointed local agent and engineer for the improvement of the harbor of San Francisco, in 1851, at a compensation of one hundred and twenty dollars per month by Colonel Abert, with the approval of the Secretary of War. When the appropriation for the work was exhausted, operations were suspended and the memorialist was continued in service in construction of the public property pertaining to the harbor, at the reduced compensation of two dollars per day. His claim is \$1,292 57, for services from April 6, 1857, to September 15, 1859, inclusive, no part of which, however, has been paid him. The correctness of the account is admitted by the officer in charge of the harbor improvements on the lake and by Colonel J. J. Abert, of the Bureau of Topographical Engineers, whose report accompanied the papers of the memorialist. He incurred no pay after the 31st of April, 1857, because the appropriation for the improvement of the harbor at San Francisco was exhausted previous to that date. During the first session of the 35th Congress the Senate passed a bill for relief and the Committee of Finance of the House of Representatives reported in favor of passing the bill, but it was not acted on in the House. At the 2d session of the 37th Congress another favorable report was made, but not acted upon. The committee think the claim a just one, report the accompanying bill, and recommend its passage.

PROMOTION OF COMMERCE AND IMPROVEMENT OF NAVIGATION.

[To accompany Senate bill No. 310.]

JANUARY 27, 1865.—Ordered to be printed.

Mr. E. IOT, from the Committee on Commerce, made the following

R E P O R T.

The Committee on Commerce, to whom was referred a bill "for the promotion of commerce and the improvement of navigation," submit the following report :

Among the subjects which demand legislative attention at this time, there are none, not connected with the immediate support of the government in controlling the existing rebellion, or with the great question of human rights opened for adjustment, which concerns us more directly as a maritime people, than those which involve the efficiency and the character of our mercantile marine. Our nation has at all times claimed a position among the leading marine powers, and if it shall be true to itself it will maintain the foremost place among them.

Thirty years ago the superiority of our officers was conceded. But, more recently, the enterprise and energy of the government of Great Britain have so raised the standard of excellence in navigation, and their example has been so followed by other maritime governments, that if we hesitate longer to apply the agencies of government in behalf of our officers and seamen, we must consent to occupy a subordinate rank among commercial nations. It is not possible, without thorough education and accurate means of navigation, for our people to contend successfully in the race for supremacy with the great marine powers of Europe. And it is believed that, without the active and beneficent agencies of the government, such education and those means of navigation cannot be brought within the fair reach of those who compose the officers and seamen of our great mercantile marine upon the ocean and upon our ocean-lakes.

To survey the sea-coasts, to search out hidden dangers for the safety of the mariner, and of the thousands who traverse constantly the waters for business or pleasure ; to make correct and authentic charts, and other instruments of navigation, is a work for the government to do. If the government fails in this respect, the duty will be performed by private enterprise ; but it must be partially and imperfectly performed, and at great private cost to those who are compelled to procure the best instruments of navigation accessible to them ; and it is well known that old and incorrect charts and maps kept for sale, varying from each other, unauthentic, and not worthy of trust, tempting into danger the merchant and the mariner, who are seeking the means of safety. The life of the seafarer is in the hands of the hydrographer, and a seafaring nation, whose people transact business upon the deep, and abide upon the waters of lake and sea, must recognize the duty of controlling hydrographic operations. No chart not authentic and sealed by the government should enter the cabin of the humblest coaster, and it should be accessible to him at a price within his means.

Of scarcely less importance to the merchant seamen are books of navigation, with accurate sailing directions, and such manuals and works illustrating the science of sailing as shall instruct the seaman, and aid to form the scientific navigator. Such works command no market beyond the circle of the seas, and are costly in proportion to the limited demand for them. It is not surprising that greater scientific proficiency is not found among those who command our vessels, and are trained as practical seamen from the fore-castle to the quarter-deck, when the fact exists that the requisite means of instruction by books, manuals, and treatises upon the duties of sea life are procured with difficulty, and at the risk, when obtained, of being found inaccurate and imperfect. We have a trustworthy "navigator" in use by our navy and merchant seamen. This work was originally prepared by Dr. Nathaniel Bowditch, and is the property of private persons. Our naval officers and the officers of our merchant marine rely upon its tables for instruction and information which cannot be elsewhere procured. It is a work which the government should own, and should place within the reach of all our officers, at prices but little exceeding the cost of publication. The Nautical Almanac, which is the necessary complement of the navigator, and must be used with it, is now published under the direction of the government.

The seamen of the United States should use the most authentic works on navigation, the best charts, and the most simple and accurate directions for sailing; but they cannot be expected to purchase these works at the prices demanded for them by private publishers, and cannot, when they purchase, be assured that they procure works that are trustworthy.

Messrs. Edmund and George W. Blunt are, it is believed, the only hydrographers for foreign navigation in this country. The father of these gentlemen, Mr. E. M. Blunt, commenced his hydrographic publications in 1796, and published the first edition of his "Coast Pilot." The twentieth edition of that work has recently been published in an octavo volume of nearly nine hundred pages, and is the property of the Messrs. Blunt. No similar work is published in our country; and as a proof of the estimation in which it is held in Europe, that lading maritime governments have annually caused to be sent to the proprietors copies of the charts and nautical works published under their direction. This volume cannot be procured at this time for less than five dollars per copy. The probable cost to the purchaser, if it were owned and published by the government, would not exceed one-half of that sum.

"Bowditch's Navigator" is now owned by the same parties, and it costs to private purchasers more than double the sum at which the government could dispose of it, if owned and published by them.

It is believed that several thousand copies of these works are annually sold; and, at prices reasonably approximating the cost of labor and materials, the sales would be largely increased.

The Nautical Almanac is now published by the government at a cost of about sixty cents per copy. About seven thousand copies are annually sold. Its cost, if published by private hands, would not, it is believed, fall short of two dollars per copy. This most valuable work has been published by the government about ten years. Prior to that time, the English nautical almanac was republished in this country by the Messrs. Blunt, who then discontinued that publication, and now no other sufficient almanac can be procured. Without it no vessel can properly go to sea. No other work contains the tables essential to navigation. There are at this time no general publishers of charts excepting the Messrs. Blunt. Their foreign charts contain hydrographical surveys of all foreign coasts. These are used by our naval officers and by the officers of our merchant marine, and several thousand are annually published.

A few charts of our home coast have been published by other parties. One has been published by Mr. Eldridge, of Massachusetts, of the Vineyard and

Nantucket sound, and one other of a portion of our eastern coast between New York and Boston. In 1832 our government organized the Coast Survey. It would be difficult to estimate too highly the national value of that bureau. Without its aid our navy could not have been supplied with the charts they have required during the existing rebellion for much less than \$200,000.

The value of its labors to our army has been scarcely less in importance, and our most distinguished generals have repeatedly expressed their appreciation of its worth.

From 1861 to 1864 inclusive, one hundred and thirty-one thousand charts were distributed to our navy from the office of the Coast Survey. The cost of these at New York prices would have been \$183,400.

Prior to 1832, the Messrs. Blunt had caused surveys to be made on the coast of the United States and Bahama banks, Nantucket and George's shoals, the harbor of New York and its entrances and sea-coast for about forty miles, and the whole of Long Island sound from New York to Montauk.

No new surveys of our coast have been made by them since that period, but those previously made have been corrected and improved from the authentic surveys under the direction of the government.

At this time the demand for our coast charts and for charts of foreign waters and coasts is supplied by private dealers. Our Coast Survey charts are sold by the government at nearly cost prices, and the proceeds paid into the treasury. They are sold from the office of the Coast Survey at Washington, to dealers in our principal commercial cities, at fixed prices, and such discounts made as may enable those dealers to sell to private purchasers at government prices. The cost of private charts is not less than three times that of those supplied by the government.

Of foreign charts but few have been published by the government. The explorations by Admiral Wilkes of the Pacific ocean, and by Commodore Perry and Commodore John Rodgers of the North Pacific and Japan, were authorized by special acts of Congress. Before the organization of the Coast Survey, Admiral Wilkes, by authority of Congress, resurveyed George's shoals, about 90 miles east of Cape Cod light.

Since that period the operations of the Coast Survey may be known by reference to the valuable reports annually issued by the superintendent.

A report made by the Committee on Commerce in the Senate, embracing the petition of the American Shipmasters Association, with reports from the Bureau of Navigation and from the office of the Coast Survey, is herewith submitted.

The Committee on Commerce, to whom was referred the petition of the American Shipmasters' Association, praying that the government furnish to their seamen hydrographic books and charts at the cost of paper and printing, have had the same under consideration, and beg leave to report :

That the subject is deemed by the committee to be of such importance that they have thought proper to embody in this report, as partially embracing and expressing their own views, the petition; a report on the subject by the head of the Bureau of Navigation in the Navy Department, with a part of an accompanying communication; and a report on the subject by the head of the Coast Survey in the Treasury Department.

In addition to the views set forth in these papers, the committee would express the opinion that it is of the first importance that our large and increasing naval and revenue service should enjoy the additional facilities for navigation demanded by the commerce of the country.

The committee would, therefore, respectfully urge upon the Senate the importance of an early and favorable action upon the bill herewith submitted, Senate bill No. 310.

AMERICAN SHIPMASTERS' ASSOCIATION,
No. 51 WALL STREET, ROOMS 23 AND 25,
New York, February 3, 1863.

To the Senate and House of Representatives of the United States:

The undersigned respectfully represent that the Shipmasters' Association was organized for the purpose of advancing the character and efficiency of our mercantile marine, by taking measures for the superior education and moral improvement of its officers and seamen, and thereby adding to the safety of our shipping; and as information of a hydrographic character stands pre-eminent as a means of effecting such purposes, and in view of the fact that the governments of the maritime powers of the world have prepared and published, for the use of their seamen, hydrographic books and charts to be sold at near their cost, they would solicit similar action on the part of the government of the United States.

It may be asked why the government should be called upon to furnish hydrographic rather than any other kind of information; in reply to which they would say, that this nation is competing for commercial equality on the ocean with the great maritime powers of the world; it is therefore necessary to use the same proper means that they use to attain success.

They further represent that the creation and furnishing of nautical information is especially a government function. All surveys of sea-coasts, and the dangers of the ocean have been made at the expense of the governments of the world; also the astronomical observations necessary for navigation. All the nautical almanacs published by the various nations are furnished at near the cost of printing and paper; the preparation of them, by calculations and the type-setting, are paid for by the respective governments which issue them.

They therefore respectfully ask that the Senate and Congress will take such steps as may be necessary to carry out the above-named object, viz., the supplying the seamen of our mercantile marine with charts and books at the cost of paper and printing.

E. E. MORGAN.
ROB. T. TAYLOR.
W. C. THOMPSON, *Council*.
J. W. UPTON, *Secretary*.

The undersigned concur in the above.

J. D. JONES,
President Atlantic Mutual Insurance Company.
M. H. GRINNELL,
President Sun Insurance Company.
LEOPOLD BRIRWEITH,
President Orient Mutual Insurance Company.
CHARLES NEWCOMB,
Vice-President Mercantile Insurance Company.
B. C. MILLER,
President Columbian Insurance Company.
ALFRED EDWARDS,
President Pacific Mutual Insurance Company.
J. P. TAPPAN,
President Neptune Insurance Company.
SAMUEL DRAKE SMITH,
President Commercial Mutual Insurance Company.
T. S. LATHROP,
President Union Mutual Insurance Company.
JOHN H. LYELL,
Vice-President New York Marine Insurance Company.
REUBEN E. LATHROP,
Great Western Insurance Company.

Letter to the Secretary of the Navy.

BUREAU OF NAVIGATION, NAVY DEPARTMENT,

Washington, March 29, 1864.

SIR: The bureau has had under careful consideration the letter of the honorable Z. Chandler, chairman of the Committee on Commerce of the United States Senate, dated February 26, and the petition, accompanying it, of the Shipmasters' Association, and of the marine insurance offices of New York, praying that the government will furnish to our seamen and mercantile marine books and charts pertaining to the navigation of the high seas, at the cost of paper and printing, and has the honor to submit the following report:

The bureau has prepared, with mature reflection, the accompanying outline of its views in regard to the extension of its foreign hydrographic labors and duties, and also the accompanying estimates of the cost of establishing an office for this purpose.

The bureau entertains no doubt whatever that it is desirable (whenever it may be thought by Congress to be expedient and convenient) for our government to follow the governments of all the maritime powers of the world, (Prussia, even, with her small navy and commerce, included,) in preparing and publishing, under its own authority and in its own name, all the means and instruments of foreign navigation, and particularly charts.

To show how desirable this is, it may be mentioned that the British admiralty, which had been in the practice of sending copies of their charts and books to several of the public establishments of the country, such as the Coast Survey Office, the Light-house Board, the Observatory, and Smithsonian Institution, and of sending them also to the distinguished hydrographers, the Messrs. Blunt, of New York, withheld their publications in the autumn of 1861. In the autumn of 1863 the former practice of sending charts and hydrographic books was resumed.

I trust it will be thought that the time has now arrived when we may be able to adopt those measures of care and self-protection which must be adopted, sooner or later, if American navigators and seamen are ever to recover the leading position they once occupied. I have endeavored to show, in the accompanying outline, that the loss of this position has been due, in a great measure, to the want of a sufficient guardianship on the part of the general government of the interests of merchants and seamen in the very particulars which form the subject of this petition and correspondence.

I have the honor to be, very respectfully, your obedient servant,

C. H. DAVIS,

Chief of Bureau.

Hon. GIDEON WELLES,

Secretary of the Navy.

Outline of views in regard to the extension of the hydrographic duties pertaining to the Bureau of Navigation.

GENERAL CONSIDERATIONS.

1. The commercial interests of the country require that the government should assume a more active and extensive care and supervision over all the means and instruments of foreign navigation.

2. The benefits which would thence accrue to the mercantile community in general are exemplified by the Coast Survey, which has rendered invaluable service within the sphere of its action.

3. The general government is alone capable of grappling with the subject in its whole scope, because it requires unrestricted communication with foreign governments, the services of national vessels, uniformity of method, singleness of responsibility, and vast research.

4. This responsibility is one of the most important views bearing on the subject. For want of a proper responsibility, erroneous charts are published; and charts of an old date, which have long been imperfect, if not worse, are kept in circulation, and are imposed upon the unsuspecting.

5. The navigator is now subjected to great and unnecessary expense in supplying himself with charts; one of the consequences of which is that he frequently goes to sea unprovided with the requisite means of safe conduct.

6. It is very desirable that the ignorance and neglect of seamen in these particulars should be corrected; they should be taught to know, and encouraged to use, the best books of navigation, sailing directions, and charts.

7. This can only be done by the government, which must publish these various works on its own responsibility, and furnish them to the merchant and seaman on the terms prescribed in the proviso to section 1 of the act making appropriations for the naval service, &c., approved March 3, 1849, as follows: "That the Secretary of the Navy may, when in his opinion the interests of navigation would be promoted thereby, cause any nautical works that may from time to time be published by the hydrographical office to be sold at cost, and the proceeds arising therefrom to be placed in the treasury of the United States."

8. By doing this, the government will drive out of the market the spurious publications of irresponsible persons, and substitute in the place of them the most accurate and reliable works.

9. The character of our merchant service has already begun to suffer from our failure to perform our duty in these respects; the more so, that our neglect finds the strongest contrast in the conduct of the British, French, and Russian governments, all of which have taken the entire charge of the foreign hydrography of their respective countries. Our officers and ships, which in a report of a committee of the House of Commons (1836?) were once acknowledged to be superior to any, are now regarded as inferior to the British; and that inferiority proceeds in part from the imperfection and insufficiency of the means of navigation.

10. The publication of hydrographic works is contemplated and provided for by several acts of Congress, which, however, were designed for the most part to meet special cases; the obligation has been recognized, but the sphere of action has hitherto been too limited.

11. The course pursued by other commercial nations renders it expedient that we should no longer leave it to private enterprise, knowledge, and fidelity to create the means by which the wide and increasing commerce of the country is conducted in safety over the great oceans.

To continue to do so will be to endanger the best interests of that commerce, to imperil life, and to accept for our merchants and seamen an inferior position among the traders and travellers upon the sea.

PLAN OF PROCEEDING.

a. In reference to charts, maps, drawings, views, plans, photographie illustrations, &c.

b. In reference to works of instruction and information: as sailing directions, descriptive tracts, tables of geographical position, current and tide tables, general and special memoirs relating to the sea, &c.

c. In reference to books of navigation, properly so called, and of nautical astronomy.

In reference to charts, &c.

1. In order that the government may enter, as soon as possible, into the exercise of a beneficial control over the foreign charts of the country, it must begin not only to engrave its own charts, but to purchase engraved plates.

2. The process of engraving is slow; the establishment and complete organization of a hydrographic office from the resources now in the hands of the government is impossible.

3. But the government is in possession of much useful information which may be turned to account when it begins to print and publish on its own authority.

4. The government commands very valuable resources for the improvement of foreign hydrography, in its cruising vessels, which would be systematically developed.

5. The hydrographic reports, records, and data of all kinds, surveys included, will be brought together and applied to the best use.

6. Communications will be opened with the offices of hydrography of other nations.

7. Compensation will be paid for valuable information, and by this means investigations, surveys, and observations will be stimulated.

8. The stamp of the government, or its mark of authentication, will be put on all charts published by it.

9. A list of its charts will be published from time to time in a way in which it will be most likely to fall under the eye of the seaman, and keep him informed of what he is to ask for.

10. The original plates will be carefully preserved, and the printing will be made from electrotypes copies.

11. The ultimate object will be wholly to supply the foreign cruiser and trader with charts either actually made by the government and sold in compliance with the terms of the law above quoted, or with charts made under its sanction by private individuals, stamped with its authority, and sold with its permission.

In reference to books of information and instruction.

1. All such books, of merit, will be collected in a library for consultation and study.

2. Books of sailing directions, and those relating to the geography and physical science of the sea, will be published by the Bureau of Navigation, or under its direction, as the means and occasion offer.

In reference to books of navigation, properly so called.

1. The use of books of navigation is so intimately connected with the use of charts and sailing directions, that the former cannot be conveniently separated from the latter.

2. If they are all under the same control they can be made so to correspond as to be of mutual help to each other.

3. The government ought, therefore, to either acquire a right to the navigator in common use among American seamen, or else to publish a navigator of its own.

4. With the Nautical Almanac, the Treatises and Manuals of Navigation, and the foreign charts under its control, it will be able to carry forward each one in its own peculiar path of improvement, and make them all harmonize together.

5. The government would then be at liberty to publish such annals as it might think proper, without interfering with private property.

6. All that has been said concerning the effect upon our commercial prosperity, and upon the standing of our mercantile marine, to be produced by supplying our seamen with the best charts, applies with equal force to the Manuals of Navigation.

7. Those improvements in navigation which proceed from the application of the highest science enter chiefly into the Navigator and Nautical Almanac.

8. The Navigator and Nautical Almanac are inseparable companions at sea; they are complements of each other, and they must be used together, and can only be used together. Having the latter, the government would find it expedient to acquire possession of the former.

Estimates for preparing and purchasing charts, plates, books, and copyrights, for the purposes of navigation, and for the publication thereof; and for the organization of an Office of Foreign Hydrography in the Bureau of Navigation.

For the purchase of the three printing-presses	\$2, 200 00
For the purchase of finished plates	30, 000 00
For the purchase of new plates, and of paper, ink, linen, and other printing materials, and for the cost of printing and backing charts	20, 000 00
For electrotyping plates	3, 000 00
For the purchase and preparation of sailing directions	10, 000 00
For the purchase and preparation of books of navigation	50, 000 00
For salaries of engravers	6, 000 00
For salaries of hydrographer and draughtsmen	8, 000 00
For salary of bookkeeper	2, 000 00
For salary of clerk	1, 500 00
For pay of messenger	840 00
For pay of laborer	600 00
For rent of building	3, 000 00
For fuel and light	500 00
For drawing tables and office furniture	500 00
For instruments and office stationery	500 00
For contingent	1, 000 00
Total	<u>139, 640 00</u>

The sale of the charts and books of sailing directions and navigation, under the existing law, will repay the expense of printing and publication. The amount here estimated for the finished plates and books will in course of time be refunded; the actual cost of these charts and books for the navy will hereafter be very much less.

COAST SURVEY OFFICE, *February 25, 1863.*

SIR: I have the honor to acknowledge the receipt of your letter of the 14th instant, enclosing a letter from the chairman of the Committee on Commerce of the Senate, and the memorial of the Shipmasters' Association of New York, as to the necessity of providing by law hydrographic books and charts to be sold at near their cost for the superior education and moral improvement of American officers and seamen engaged in commerce.

The Treasury Department has, as already stated in my report to you of December 19, 1862, made a beginning in this direction by its action in the matter of the charts of the coast prepared at this office. It has also done the same in its sale of charts of the United States exploring expedition.

It has also, in the same liberal spirit, provided by regulations that the results of the coast survey may be communicated to any one desiring a copy, provided that the communication is duly acknowledged, and that no expense be incurred in copying, &c.

It happens, however, as a drawback to the usefulness of this rule, that there is no security that this information may be used in an approved form, or even correctly given to the public, and the very acknowledgment may seem to make the survey responsible for work inaccurately set down, or even not at all executed by it.

The fact is, that this is a business which should be carried on exclusively by the government, which can alone give to mariners the guarantees for accuracy which are needed.

If the survey of the coast had been left to hap-hazard private enterprise, the work would have failed utterly, being partially executed, and only in certain favored localities, and in these, even, would not have commanded the respect and confidence of navigators, without which the enterprise would have proved quite useless.

The experience of all nations agrees in this. So, in regard to the publication of charts, experience speaks not less loudly.

By act of June 3, 1844, the Secretary of the Treasury was authorized to dispose of the maps and charts of the survey of the coast of the United States, and to present copies to foreign governments, departments of our own government, and literary and scientific institutions. The department adopted the principle that the price at which the maps and charts should be sold should be nearly that of the cost of paper and printing, with a margin for general expenses, as commissions and the like.

By the regulations of 1844 the sale of the charts at such prices as would pay for the cost of the printing and paper was authorized, so that the publication is without expense to the government, and the mariners who purchase have the benefit proposed by the Shipmasters' Association to be extended to all charts whatsoever and to nautical books.

The maps and charts of the Coast Survey, required for the use of the army and navy, are furnished free of cost from the Coast Survey office to the War and Navy Departments, and a certain distribution authorized by the Treasury Department is made to literary and scientific institutions in all parts of the United States. In 1859, prior to the war, 6,200 charts were thus distributed, and since the war there have been 55,000 distributed to the army and navy.

The head of the Bureau of Navigation in the Navy Department has the sanction of the head of the department to prepare and publish foreign charts, as recommended by the Shipmasters' Association.

Justice would seem to require, if this publication interferes with existing private enterprises, that an appropriation be made to pay for the property thus injured, and that, as far as convenient, it be converted to public and general use under the new plan.

The Navigator, first planned and executed by the eminent mathematician, Doctor Nathaniel Bowditch, and used by our navy and mercantile marine, should belong to the Bureau of Navigation of the Navy Department, the primary object being the supply of the navy with tables, &c., for purposes of navigation, while the Coast Pilot, originating with the elder Edmund Blunt, should be issued under the sanction of the Coast Survey, which alone has the necessary information for its improvement. No nation but ours depends upon private enterprise

to furnish a coast pilot. At no place within the control of the government can such a work be so well prepared as at the Coast Survey office, where the materials for its preparation are all to be found. The printing will be made under the general law, or by special resolution, as may be thought best. The details of publication could be arranged without cost.

A simple resolution like the following would enable the execution of the views of the Shipmasters' Association :

Resolved, That it is desirable for the improvement of the mercantile marine, for the promotion of commerce and navigation, by providing accurate and cheap charts and nautical books under the control of government authority, and for the use of navigators generally, and of the naval and revenue service, that the Secretary of the Treasury should be authorized to publish and sell domestic charts and nautical books relating to the coast at the cost of printing and paper, and that the Secretary of the Navy should be authorized to publish foreign charts and general nautical books for the use of the navy and of navigators, to be sold at the cost of printing and paper merely; and said Secretaries are so authorized accordingly.

Resolved, That the sum of — dollars be appropriated for the execution of this resolution, and that the moneys received for the sale of maps, charts, and books be turned over by the Secretaries of the Treasury and Navy to the treasury of the United States for the preparation of other works for the same purposes, and to be sold on the same terms.

I return the papers enclosed to me.

Very respectfully, yours,

A. D. BACHE,

Superintendent United States Coast Survey.

Hon. S. P. CHASE,

Secretary of the Treasury.

It is believed that the facts and arguments now presented to the House will enable them to judge of the character and importance of the legislation proposed, and the bill from the Senate referred to the committee is herewith reported, with a recommendation that it pass.

JOHN A. STEVENS, WIDOW AND HEIRS.

[To accompany bill H. R. No. 626.]

JANUARY 27, 1865.—Ordered to be printed.

Mr. WEBSTER, from the Committee of Claims, made the following

REPORT.

The Committee of Claims, to whom were referred House bill No. 626, for the relief of the widow and heirs of John A. Stevens, deceased, and accompanying papers, having examined the same, report :

That the claim is for the loss of six houses and other property, in Springfield, Missouri, destroyed by fire on the 8th day of January, 1863, by order of Brigadier General E. B. Brown, then in command of the United States troops at that place.

It appears that the United States troops were attacked by a rebel force under Marmaduke, and these buildings, serving as a cover for the rebels, were as a military necessity destroyed, by command of Brigadier General E. B. Brown, commander of the United States troops at that place. It further appears that John A. Stevens was, at the time of the destruction of his property, a loyal citizen of Missouri, and is since deceased.

The committee deeming it the well-settled policy of the government to pay for property destroyed under like circumstances, and the proof being conclusive as to the destruction of this property, they report the accompanying bill as a substitute for the one referred to them, and recommend its passage.

MARINE ENGINES.

JANUARY 30, 1865.—Ordered to be printed.

Mr. A. H. RICE, from the Committee on Naval Affairs, made the following

R E P O R T.

During the last session of Congress the Committee on Naval Affairs of the House of Representatives were instructed to undertake the investigation described in the following resolution, namely:

Resolved, That the Committee on Naval Affairs do investigate without delay, and report to this House, the facts in relation to the plans and structure of the marine engines constructed and now in course of construction for the navy, and in what essential particular they differ from the marine engines heretofore used in the navy, and now used in the commercial steamers and in the navies of France and England; whether their inadequate power and speed are caused by such differences, and by whose authority and under whose supervision such changes were introduced, and whether any unfair practices were resorted to by any person in or under the authority of the Navy Department, in the mode of manning or handling the engine of the Pensacola, with a view to break it down and bring it and the plan on which it was constructed into disrepute; and whether any person connected with the Navy Department has received any fees, commission, or compensation of any kind from contractors for engines for the navy, or compelled any payment of fees for patented improvements to persons not entitled to them by persons contracting for engines, or for parts thereof. And that the committee be authorized to require the opinion of the Academy of Science on any scientific question involved in their investigation, and necessary to be solved in order to arrive at a satisfactory result; and that they have power to send for persons and papers, and leave to report at any time.

Although there has been but little, if any, discussion in this branch of Congress respecting the character of our naval vessels, yet this resolution followed upon a controversy of some magnitude and great bitterness in a portion of the public press and in some other quarters; and it is probably truthful to say that the resolution for the investigation grew out of that controversy, if, indeed, they had not a common origin.

So grave a suggestion as that, while the nation is waging one of the most gigantic wars of all history, it was so far departing from the acknowledged principles of science and of good practice in the construction of its navy as to result in disgraceful failure, was calculated to excite the attention and solicitude of the government, and to fill the public mind with apprehension and distrust. And if the Navy Department felt strong in the soundness of its proceedings in this direction, it cannot be denied that the general public have not been equal participators in that confidence, though it may be doubted whether its distrust has ever extended to the degree implied by the scope and variety of subjects enumerated in the resolution cited.

It is, moreover, true that whatever distrust existed was vague and general in its character, rather than a definite opinion based upon the palpable failure of the navy, either as a whole or in a considerable number of its ships. The suddenness with which the rebellion was launched upon the country, and the vast extent of marine coast belonging to the disaffected portion of the Union, with an equal extent of inland waters, the one to be blockaded, and the other to be patrolled and defended, called for the whole resources of the nation in the construction of naval vessels, while many of the uses in which they were to be employed were so novel as to demand the utmost ingenuity of our countrymen in devising models and machinery to meet the ever-returning exigencies of the

service. It has been under such circumstances that the American navy has been constructed, and one of the results of this report will be to show whether and how far beyond the average of human enterprises this has been unsuccessful.

A careful reading of the resolution will show that, so far as the structure of the naval vessels is concerned, the inquiry is limited altogether to their motive power. And although no direct charge of failure here is made, yet that charge is implied in the resolution, and was more distinctly presented during the progress of the investigation. Because all the charges of failure, incapacity, and fraud are made only by implication, the range of inquiry became necessarily more general than if the committee had been called upon to establish some specific points; and this will also account for the fact that the testimony of some of the witnesses before them partook more of the character of discursive lectures upon steam and steam machinery in general, than of that orderly recital of facts which constitutes the legitimate quality of evidence.

Any conclusive investigation of the plans and structure of steam machinery, with a view to ascertaining their comparative efficiency and economy, necessarily involves a knowledge of the nature of steam as a dynamic agent, the principles upon which steam machinery is constructed, and the application of these principles so as to attain the best results. This can only be accomplished by experiments applied in different directions, and under varying conditions, since it is respecting theoretical operations and results that controversy is maintained. The committee, however, have not deemed it to be within their province to determine matters of professional disagreement, but rather to group together such practical results as have been attained in the construction of the machinery of our naval vessels, and to exhibit them in the comparison called for by the resolution. It appears from the evidence brought to the attention of the committee that the Navy Department has availed itself of the results of experiments made by boards and commissions of its own appointment, from time to time, upon topics both of theoretical and of practical interest and value in this branch of its labor. Some of those will be referred to more in detail hereafter. The only practical test which the committee have made was of the speed of gunboat Eutaw, in a trial trip upon the Potomac river on the 30th of January last. During a public controversy upon the deficiency of speed in the naval vessels recently constructed, a trial of speed had been proposed between some such vessel and some other sea-going steamer built upon other plans than those adopted by the Navy Department. For reasons not necessary here to detail the trial did not take place; but this committee determined to make a trial which should show the speed of some such vessel, though it was not deemed necessary that any other vessel should, at the same time, run in competition. The Potomac river was at that time closed by ice, and there were two naval vessels fastened by it at the Washington navy yard. Availing themselves of this fact, and with no other motive for the selection, the committee notified the Secretary of the Navy that they would require one of those vessels, or both, for the purpose of making a trial of its speed; and learning, upon inquiry, that they were duplicates, and of the class of twenty-seven built at one time, and known technically as double-enders, a trial of one, namely, the Eutaw, was deemed sufficient for the test desired. Before proceeding upon the trial trip, the committee engaged the presence and services of Mr. John Baird, an experienced scientific and practical steam engineer of New York, who, as an expert, independent of the Navy Department, should supervise the performance of the vessel during the trial trip, and report thereon, together with such details as should give a professional and reliable statement thereof. They also requested the Superintendent of the Coast Survey to detail a competent officer, with the necessary charts and other facilities, to determine the distances run, and the time occupied in running from point to point. Captain Patterson, with assistants, was detailed by the superintendent for this purpose. The

reports of Mr. Baird and Captain Patterson will be found in full in the appendix, and they show that the whole distance run was 42.67 knots, equal to 49.50 statute miles; time occupied, 3 hours 20 minutes 5 seconds; highest speed attained, 13.70 knots, equal to 16 miles per hour; average speed for whole trip, 13.11 knots, equal to 14.63 miles per hour; least speed, 12.09 knots, equal to 14 miles per hour. Steam pressure about 45 pounds per square inch. Coal consumed, 14,480 pounds in 4 hours, equal to 3,620 pounds per hour, or $2\frac{323}{1000}$ pounds per horse-power. Average number of revolutions on downward trip, per minute, 21.1; average number of revolutions on return trip, per minute, $23\frac{1}{4}$.

The Eutaw is a side-wheel steamship of 974 tons, 240 feet long, 35 feet beam, 12 feet depth of hold, and during the trip her draught of water was 6 feet 5 inches forward, 7 feet 2 inches aft; her engines have 1,400 indicated horse-power. The downward trip was made in dead slack water, and the return against the tide, but the results were equated to dead water; the channel of the river was somewhat crooked. It may be proper here to state that the published accounts of the speed of English steam vessels is the highest speed attained in a measured mile under the best conditions, that is, with the hull of the vessel clean, the boilers free of scale, the fires fresh, and the vessel under full head; the results for several miles, and especially for a number of consecutive hours, fall far below that of the single mile.

An analysis of the resolution will show the following subjects for investigation:

1. The plans and structure of the marine engines constructed and now in course of construction for the navy.

2. In what essential particulars these engines differ from those heretofore used in the navy, and from those of commercial steamers, and those used in the navies of France and England.

3. By whose authority, under whose supervision, and on what experiments these changes were made; and whether the inadequate power and speed of our naval vessels are caused by these differences.

4. Whether any unfair practices were used by any employé of the Navy Department, or by its authority, to break down and bring into disrepute the engine of the sloop-of-war Pensacola, or the plans on which it was constructed.

5. Whether any person connected with the Navy Department has received any fees, commissions, or other compensation from contractors for naval engines, or compelled the payment of patent fees to unauthorized persons by contractors for engines, or parts of engines.

And these topics will be considered in the order of arrangement here stated.

It may be proper here to remark, that it was alleged before the committee, by Mr. E. N. Dickerson, a scientific mechanical engineer of New York, and who may be said to represent those who are most opposed to the present plans of the machinery of our naval vessels, that there are four particulars in which these plans differ from those formerly adopted by the Navy Department, from those of other navies of the world, and from those used in the commercial marine.

He asserts:

First. That these engines do not use steam expansively.

Second. That they are constructed with different valves and valve gear.

Third. That they have different means of condensation.

Fourth. That they have different boilers.

And he further alleges that in all of these particulars this machinery is defective. Passing over, for the present, the discussion of these several points, we proceed to the comparison suggested in the resolution. And, first, in relation to the plans and structure of the engines built before the rebellion commenced, and before the appointment of the present chief of the Bureau of Steam Engineering.

4 *Condensers*.—They all had Sewall's surface condenser.

The other nineteen vessels of this class were constructed from the drawings and specifications of Mr. Isherwood, the engineer-in-chief of the navy.

1. *The engines* were substantially the same as the four built by the Novelty Iron Works, except they had five-eighths ($\frac{5}{8}$) more boiler power.

2. *The boilers* were Martin's.

3. *The valve gear* was the same.

4. They had the same *condensers*, Sewell's surface.

While these twenty-three gunboats were building, the Navy Department *duplicated* the Iroquois in the Oneida, the Wyoming in the Tuscarora, the Mohican in the Kearsarge, and the engines of the Seminole in the Wachusett.

The machinery for the vessels above named was made by the contractors for their originals.

The next lot of machinery for screw vessels was commenced by the department in the fall of 1861, and was for ten second-class sloops-of-war, named the Sacramento, Canandaigua, Lackawanna, Ticonderoga, Shenandoah, Monongahela, Juniata, Adirondack, Ossipee, and Housatonic.

It was built from the plans and drawings of the engineer-in-chief of the navy

1. *Type of engine*.—Was the "back-action" cross-tail.

2. *Boiler*.—Martin's boiler, with blowers.

3. *Valve gear*.—Lap slide valves, Stephenson link, with range of cut-off from one-third ($\frac{1}{3}$) to two-thirds ($\frac{2}{3}$) of the stroke of the piston; the expansion gear being variable at will through that limit.

4. *Condenser*.—Sewell's surface condenser.

These vessels were designed to have the same speed as the Iroquois, but were to carry twice the weight of coal.

The maximum speed of these vessels under steam alone is $12\frac{1}{2}$ knots per hour.

SIDE-WHEEL VESSELS.

The first lot of side-wheel vessels built since the commencement of the rebellion consisted of twelve vessels commonly known as "double-enders." The machinery for those vessels was made from specifications and drawings by the engineer-in-chief of the navy. They were intended for special service in harbors, narrow channels, &c. They are named the Maratanza Mahaska, Sebago, Octorora, Sonoma, Conemaugh, Tioga, Genesee, Miami, Paul Jones, Port Royal, and Cimarron. They were of 850 tons burden.

1. *Type of engine*.—All had "plain inclined engines."

2. *Boiler*.—They all had Bartol's vertical water tube boiler, except the Paul Jones, which had Martin's boiler. All had blowers.

3. *Valve gear*.—They all had double poppet valves, except the Miami, which had a slide valve.

4. *Condenser*.—They all had Sewell's condenser (surface.)

Their maximum speed, under steam alone, is 11 per knots hour.

By an act of Congress approved July 5, 1862, for the reorganization of the Navy Department, the Bureau of Steam Engineering was established, and the title of engineer-in-chief of the navy was changed to the Chief of the Bureau of Steam Engineering, and Mr. Isherwood was appointed to that position.

Soon after the establishment of this bureau and the completion of the twelve double-enders, namely, in the fall of 1862, a second lot of twenty-seven double-enders was commenced, which were intended, like the others, for special service, but designed to have higher speed. These were named as follows: Eutaw, Sassacus, Wateree, Patuxet, Tallapoosa, Winoska, Mackinaw, Shamrock, Tullahoma, Tacony, Iosco, Agawam, Pontoosuc, Massasoit, Osceola, Mattabesett, Chicopee, Ascutney, Otsego, Metacomet, Chenango, Lenapee, Mendota, Mingo, Wyalusing, Pontiac, and Peoria. The machinery of all was designed by the chief of the Bureau of Steam Engineering, and was as follows:

Also one pair of engines, by John Ericsson, of New York, for the *Madawasca*, a vessel of about 3,200 tons burden.

PLANS AND STRUCTURE.

1. *Type of engine*.—Vibrating lever screw engine.
2. *Boiler*.—Martin's.
3. *Valve gear*.—Main slide valve and independent cut-off valve.
4. *Condenser*.—Sewell's surface condenser.
5. The cylinders are 100 inches in diameter and 4 feet stroke of piston.

Morris & Towne, of Philadelphia, are constructing the engines, on Ericsson's plan of vibrating levers, for each of the iron-clad vessels *Agamenticus* and *Monadnock*, with Martin's boiler, Sewell's condenser, and the single lap slide valve.

Also two pairs of engines, designed by E. N. Dickerson, of New York, for the *Idaho*, a vessel of about 3,000 tons burden.

PLANS AND STRUCTURE.

1. *Type of engine*.—Back-action.
2. *Boilers*.—Water tubular type, according to patent of Mr. Dickerson.
3. *Valve gear*.—Single poppet valve, with Sickels's cut-off.
4. *Condenser*.—Surface condenser, according to the patent of Mr. Dickerson.
5. The cylinders are 30 inches in diameter and 8 feet stroke of piston.

The engines of the *Chattanooga*, *Madawasca* and *Idaho*, are built in competition with the engines of the *Wampanoag* class, designed by the chief of the Bureau of Steam Engineering.

There has been built, and is now building, a class of seven screw gunboats, of about 593 tons burden, named the *Nipsic*, *Shawmut*, *Nyack*, *Pequot*, *Saco*, *Maumee* and *Yantic*.

The machinery of the first three was designed by the chief of the Bureau of Steam Engineering, as referred to under that heading.

PLANS AND STRUCTURE.

1. *Type of engine*.—"Back-action cross-tail engines."
2. *Boilers*.—Martin's boiler.
3. *Valve gear*.—"Single lap valve, Stephenson's link."
4. *Condenser*.—Sewell's surface condenser.
5. Their cylinders are 30 inches in diameter, 21 inches stroke of piston.

The machinery of the *Maumee* was designed by John Ericsson, of New York

PLANS AND STRUCTURE.

1. *Type of engine*.—"Vibrating lever engine."
2. *Boiler*.—Martin's boiler.
3. *Valve gear*.—Main slide valve, and an independent cut-off slide valve.
4. *Condenser*.—Surface condenser.

The machinery of the *Pequot* was designed by William Wright, of Woodruff & Beach's establishment, Hartford, Connecticut.

PLANS AND STRUCTURE.

1. *Type of engine*.—Segmental engine.
2. *Boiler*.—Martin's.
3. *Valve gear*.—Separate steam and exhaust slide cutting off by lap.
4. *Condenser*.—Surface condenser.
5. The cylinders are 30 inches in diameter, 21 inches stroke of piston.

The machinery of the *Saco* was designed by Mr. Corliss, of Providence, Rhode Island.

PLANS AND STRUCTURE.

1. *Type of engine*.—Vibrating lever engine.
2. *Boiler*.—Return fire tubular boiler.
3. *Valve gear*.—The valve gear is the kind patented by Mr. Corliss, and is understood to be extensively used by him in stationary engines.
4. *Condenser*.—Surface condenser, without air pumps.
5. The cylinders are 30 inches in diameter, and have 21 inches stroke of piston.

The machinery of the Yantic was designed by Merrick & Son, of Philadelphia.

PLANS AND STRUCTURE.

1. *Type of engine*.—Direct acting screw engines.
2. *Boilers*.—Martin's.
3. *Valve gear*.—Single lap slide valve, with Stephenson's link.
4. *Condenser*.—Sewell's surface condenser.
5. The cylinders are 30 inches in diameter, with 21 inches stroke of piston.

There is also building, under contract with Paul S. Forbes, esq., of New York, from designs of Mr. E. N. Dickerson, the machinery for the double-bowed steamer Algonquin, which is, in other respects, a duplicate vessel to the Eutaw.

PLANS AND STRUCTURE.

1. *Type of engine*.—Inclined engine.
2. *Boiler*.—Boiler of the Dickerson patent.
3. *Valve gear*.—Single poppet valve, with Sickles's cut-off.
4. *Condenser*.—Surface condenser of Mr. Dickerson's patent.
5. The cylinders are 48 inches in diameter, 10 feet stroke of piston.

It is very apparent, from the foregoing analysis of "the plans and structure of the marine engines constructed and now in course of construction for the navy," that great diversity has been practiced in this particular, both before and since the commencement of the present administration. While the government was building but few vessels, and those for general war purposes, and without special reference either to offensive or defensive warfare, the practice obtained of receiving plans and specifications of machinery from proprietors of private establishments, and of adopting such as secured the approbation of the Secretary of the Navy for the time being, without any regard to uniformity of plan, or to the adoption of any type as the representative of American naval engines. A like diversity also exists in all the appliances of these engines in their valve gear, condensers, cut-offs, &c., as well as in their boilers.

For example, in the steam war-vessels of the navy, built before the beginning of the rebellion, there were in the eighteen screw steamers five different types of engines, and in the five side-wheel steamers three different types, making eight types of engines in the twenty-three vessels. There were four kinds of valve gear, two kinds of boilers, and two kinds of condensers, under which general kinds were one or two varieties known by the names of their respective inventors.

After the rebellion commenced, and when both the example of other nations and the necessities of our own position required the total abandonment of sailing vessels and the adoption of steam as a motive power in new ships-of-war, it became imperative not only that the government should have a regularly organized department of steam engineering, but that it should set about the adoption of the best types of machinery, and gradually approximate to a standard which should embrace the most accurate deductions of science, the chosen experience of the world, and the highest developments of the inventive genius and skill of our countrymen. It cannot be said that this standard has yet been fully reached. The most that can be said is, that certain features have been fixed

upon which seem entitled to precedence over others, and that measures both of a scientific and practical nature are in progress with a view to determining what is now more or less involved in doubt and obscurity.

In the mean time it has been necessary to proceed with the construction of naval marine engines to an extent and with a rapidity limited only by the mechanical resources and facilities of the country, both public and private; and, doubtless, the changes adopted have been less numerous and less material in their character than might have been the case under more deliberate progress. The government appears to have duplicated the plans of such of the engines of its successful ships as were adapted to its new wants, and to have seized upon the plans of private establishments, which had also been proved by experience, and which could be more speedily duplicated than originals could be constructed. To these must be added the machinery built upon the plans of the engineer-in-chief of the navy, who is also the chief of the Bureau of Steam Engineering.

The foregoing analysis applied to these, namely, to the marine engines constructed since the commencement of the rebellion, will show a variety similar to that of the antecedent period. The number of steamers built has been thirty-seven screw, and thirty-nine side-wheel. In the screw steamers there have been eight different types of engines used—four designed by the engineer-in-chief of the navy or chief of the Bureau of Steam Engineering, and six by the engineers of private establishments; and in the side-wheel steamers there has been but one type of engine used.

PARTICULARS OF DIFFERENCE.

In seeking, therefore, in the SECOND branch of the investigation for the "essential particulars" in which the old and new engines of the navy differ, it is scarcely possible to discover them by classification. For the purpose of presenting so much of the difference or uniformity as exists, however, we present the following comparison of "particulars" in which these elements may be found:

1. *Types of engines.*

2. *Boilers*; connected with which is the subject of cylinders and expansion of steam.

3. *Valve gear, and cut-off.*

4. *Weight of machinery.*

5. *Condensers.*

First. The five types of engines in screw vessels built prior to present administration were—

1. The horizontal steeple.

2. The Penn-trunk.

3. The back-action.

4. The direct-action.

5. The geared engine.

The preponderance being in the use of the back and direct action engines.

Since the commencement of the present administration, three kinds have been used which were designed by the engineer-in-chief of the navy, as follows:

1. The back-action.

2. Back-action cross-tail.

3. The geared engine.

The preponderance being in the use of the back-action engine.

And from the plans and designs of engineers of private establishments, six kinds have been used:

1. The vibrating lever.

2. The segmental engine.

3. The back-action.

4. The direct-action.

5. The inclined engine.

6. The horizontal steeple.

The preponderance being in the use of the back-action engine by these engineers, also.

SIDE-WHEEL VESSELS.

Before the present administration there were three types of engines used in side-wheel vessels:

1. The side lever.
2. The oscillating.
3. The plain inclined.

The preponderance being largely in the use of the plain inclined engine. Since the commencement of the present administration there has been but one kind used, the plain inclined engine used in side-wheel vessels.

It is therefore apparent first, that in the *types of engines* used in the navy there has not only been no material change made by the chief of the Bureau of Steam Engineering, but that the kinds mostly used before his administration have been principally used since, a strong preference being given by him to back-action engines for screw steamers, and to plain inclined engines for side-wheel steamers.

The conclusion derived from this comparison of the different types of the earlier and later engines is also corroborated by the testimony of numerous witnesses in statements like the following:

P. G. Peltz, chief engineer United States navy, testifies as follows: "There is no material difference between the engines built on the plans of the Bureau of Steam Engineering, and those built before the establishment of the board."

Edmund S. de Luce, chief engineer, United States navy, testifies as follows: "There has been an effort made to improve the style of work in the navy since the establishment of the Bureau of Steam Engineering. There has been no substantial change."

D. B. Martin, eighteen years engineer-in-chief, United States navy, now farmer, inventor of Martin's boiler, testifies as follows: "There have been no great changes in the plans of the Bureau of Steam Engineering as compared with my time. They use the link motion (Stephenson's link) more than they did. It is in general use throughout the world. I know of no defects in the plans of the Bureau of Steam Engineering."

William Wright, engine builder, New York city, testifies as follows: "I built the Mohegan, Kearsarge, Cayuga, Nipsic, Pequot, and Tullahoma. The Pequot was on my own plans; the others on the plans of the chief of the bureau. The only changes which have been made by the Bureau of Steam Engineering have been in the discarding of the independent cut-off and by adopting Sewell's condenser."

William H. Shock, fleet engineer United States navy, testifies as follows: "There have been changes to some extent, the result of experience and improvement. Dispensing with the independent cut-off was an improvement. The adoption of Sewell's surface condenser is another improvement."

B. F. Isherwood, chief of the Bureau of Steam Engineering, testifies as follows: "Merrick and Sons, engine builders, New York, are building the Chattanooga on their own plans, to compete with machinery designed by the chief of the Bureau of Steam Engineering, and they are using the back-action engine."

"The engines of the Dunderburg, built by Mr. William H. Webb, are back-action. The Morgan Iron Works and the Novelty Iron Works are making the same type of engines for the Italian frigates.

"The engines of the sloops built by the Bureau of Steam Engineering, are substantially like those of the Wabash, built by Messrs. Merrick and Bartol, and which have proved to be more satisfactory than those of the other frigates, which were direct-action and trunk."

Second. Of boilers used before the present administration there were in screw vessels two kinds, the vertical water-tube boiler and the horizontal fire-tube boiler; the former, after Martin's plan, preponderating in the proportion of fifteen and a half to two and a half. In the screw vessels built since that time there has been a similar preponderance of Martin's boiler, while in the side-wheel steamers built both before and after the present administration commenced, Martin's boiler has been principally used.

Here, therefore, even less than in the types of engines used, there appears to have been no change. The preference of the department evidently is strongly in favor of Martin's boiler, and in this other builders appear generally to concur, except when the contractor has had a boiler of his own, in which case the department in several instances has adopted that.

Further remarks will be made upon the subject of boilers under the third clause of the resolution relating to experiments, &c.

Intimately connected with the subject of boilers in this investigation has been that of the cylinders of the engines, and it appears that the paramount question in controversy in respect to boilers arises less from the use either of the vertical water-tube or the horizontal fire-tube boiler than from the kind and size of cylinder used in connexion with them. Here is the seat of the dispute in relation to the expansion of steam. An examination of the points of cutting off steam in the cylinders of the engines built before and since the commencement of this administration, both in those designed by the Navy Department and by outside establishments, will show the limits to be about the same, and consequently that there has been in them all about the same range of expansion in proportion to the length of the cylinder. All the engines of the navy, therefore, use steam expansively.

It will be remembered that, as stated on page 3 of this report, it was alleged before the committee by Mr. E. N. Dickerson, as the first point of his objection to these engines, that they do not use steam expansively, by which it is understood that he means, not that they use steam absolutely without expansion, but that they fail to derive the economic value of expansion in consequence of the inadequate proportion of the size of their cylinders to their boiler power. There is no doubt in the opinion of the committee that the tendency of the Navy Department has been towards a diminution of the size of the cylinders in proportion to the boiler power, thereby fixing the range of economic advantage from the expansion of steam at a lower measure of expansion while the opposite theory has been ardently espoused by Mr. Dickerson, and carried to such an extent as would, if successful, entitle him to distinction as the founder of a new system of great importance and value.

The principle involved in the difference between the theory of the Navy Department and that of Mr. Dickerson appears, from the investigation, to be one both of scientific and of practical disputation, and lies beyond and above the province of a committee of Congress to determine. It appears, however, that Mr. Dickerson rests his theory upon the law of Marriotte, which he thus states in a pamphlet read in part to the committee, and entitled "The Navy of the United States: an exposure of its condition and the causes of its failure," &c., page 18: "The gain which can be obtained from the use of expansion is measured by the extent to which you carry it, or, in other words, how short you cut off the steam in the cylinder and the amount of saving of fuel or increased power due to the different rates of expansion, or the different points of cutting off, has been ascertained with mathematical precision by Marriotte and Regnault, and the law or rule which governs this rate is called the 'Marriotte law.'"

On the other hand, Mr. Isherwood indicates his dissent from this theory by the following comment on the law of Marriotte, in his work entitled "Experimental Researches in Steam Engineering," vol. 1, page 91: "The law of Marriotte * * * promises an enormous economy of fuel when practically

applied to the use of steam expansively in an engine, and the reasons derived from an abstract consideration of the case, as well as from an examination of indicator diagrams taken from a steam cylinder, are so specious and apparently so conclusive, that, up to within the last one or two years, the assumption of economy passed unchallenged by the engineering profession, and its whole ingenuity was directed to the contrivance of mechanism by which practical effect might best be given to the law. The economy of using steam expansively appeared so obvious, that experiments to determine that fact were deemed supererogatory, and those that were made were confined to the determination of the relative excellence of one expansion gear over another. The grand point of first determining whether, under proper conditions of the engine, there was any economy to be derived from any of them, was neglected. Latterly, however, the fact of superior economy has been denied, and the results of experiments which have been made come so strongly to the support of the negative, that it became a matter of vital importance to all interested in the use of steam to have this question settled in the only manner in which a settlement could be conclusive, namely, by a set of experiments made with an engine of at least medium size and under the ordinary conditions of good practice."

In reply to an inquiry addressed to the National Academy of Science upon sundry interrogatories connected with this investigation the following was returned, bearing upon the point now before us :

"In regard to steam expansion the discrepancies between theoretic deductions and the results of practice are such as to render it of the highest importance that the laws which govern these results should be experimentally determined by long-continued trial under widely varying conditions.

"The pressure of expanding air is not governed by the law of Marriotte, much less that of steam."

So much as relates to experiments upon this subject will be treated of under the general head of experiments hereafter.

Excessive expansion, according to the theory of Mr. Dickerson, was practically applied by him in the engines of the United States sloop-of-war *Pensacola*, which was in progress and near completion when the present administration commenced, and the subsequent treatment of which forms part of the investigation called for by the resolution above cited. This vessel so far failed to meet the requirements of ordinary service as to subject her to special attention by the Navy Department, and, as appears from testimony given to the committee after being repaired by an engineer appointed by and in sympathy with her builder, at New Orleans, was recently ordered to New York and condemned by five out of a board of seven engineers from civil life, appointed by the Navy Department to determine whether it could or could not by repairs be made ordinarily efficient.

The machinery of the gunboat *Saco*, built upon the theory of extraordinary expansion, has, after a short trial, so far failed of ordinary success as that, by consent of her builder, the machinery is now abandoned, and new machinery of the ordinary type will be substituted.

There are still building upon the plans of Mr. Dickerson, and with his theory of extraordinary expansion, the sloop-of-war *Idaho* and the gunboat *Algonquin*, neither of which is near enough to completion to render practicable at present any test of their performance. Should these vessels meet the expectations of the designer of their machinery, and the promises and conditions of the contracts under which they are built, they will be the most successful steamers ever constructed, and go far towards settling finally the controversy respecting the economic advantage to be derived from using steam under the highest range of expansion.

The evidence before the committee showed that the theory of the Bureau of Steam Engineering is supported by a very great preponderance in actual practice, and that, while some of the engineers of the navy and some of the engineers

in civil life differ from the Bureau of Steam Engineering in relation to certain other appliances, there is the least diversity of opinion and the least variation of practical results in regard to this subject. The following brief statements of testimony bear directly on this point :

B. A. Bartol, civil engineer, says : " The principal feature, and that which distinguishes the engines of the Bureau of Steam Engineering from those which preceded them, is in the use of smaller cylinders and in dispensing with what is termed an independent cut-off valve movement. I do not think the idea of dispensing with the independent cut-off and coming to smaller cylinder is bad. I do not think there has been any loss in screw engines from it."

P. G. Peltz, chief engineer United States navy, says : " The reduction made in the size of cylinders by the Bureau of Steam Engineering I consider advantageous."

Edmund S. de Luce, chief engineer, United States navy, says : " The reduction in the size of cylinders has been attended with favorable results."

B. F. Isherwood, chief of Bureau of Steam Engineering, testifies : " The faults, in an economic point of view, with the original screw vessels, consisted in their having too large cylinders for the boilers."

In the report of the board of nine engineers, (experts,) from civil life, hereafter referred to under the head of experiments, are to be found the following questions and answers : " Are the engines built for the United States naval ships according to Mr. Isherwood's plans, and put into gunboats and sloops-of-war, capable of developing as much propelling power from a certain amount of steam as if their cylinders were increased in size, and they were built with an independent cut-off?"

Answer. " If the size of the cylinders be increased, increasing relatively the proportions of the other parts of the engines, using a certain amount of steam in both cases, *it is not believed* that, *practically*, any advantage would accrue from the change. Under the same conditions, we believe that an independent cut-off presents no advantage over the kind of gear used."

Question. " Will not such engines as those of the *Dakotah*, *Iroquois*, and *General Admiral* develop more power from a certain amount of steam than they would if their cylinders were reduced in size, and their independent cut-off removed?"

Answer. " We think, on the contrary, that they would be benefited by putting in smaller cylinders."

Third. The *third* particular investigated by the committee under the general head of plans and structure of naval engines is

VALVE GEAR.

Reference to the analysis of these engines, near the beginning of this report will show that in the *screw* vessels built before the establishment of the Bureau of Steam Engineering there were four kinds of valve gear used :

1. The main steam slide valve, with a slide cut-off valve, not adjustable.
2. The single poppet valves with Sickles's cut-off.
3. The balanced poppet valves.
4. The main steam slide valve without lap, and an independent slide cut-off, variable between the limits of $\frac{3}{10}$ and $\frac{5}{8}$ of the stroke of the piston.

The preponderance being largely in the use of the latter—the 4th.

Since the establishment of the Bureau of Steam Engineering there has been used in its plans for *screw* vessels but one kind of valve gear, to wit, a single-lap slide valve with Stephenson's link, with a range of expansion from $\frac{2}{5}$ to $\frac{2}{3}$ of the stroke of the piston. And there are now in course of construction, from the plan of other engineers, five different kinds of valve gear :

1. The same as that used by the Board of Steam Engineering.

2. The main slide valve with independent cut-off.
3. The single poppet valve with Sickles's cut-off.
4. The separate steam and exhaust slide.
5. The valve gear according to M^r. Corliss's patent since completed.

The preponderance being largely in the use of the kind adopted by the Bureau of Steam Engineering.

Side-wheel vessels.—It will also be seen that prior to the establishment of the Bureau of Steam Engineering there was used in side-wheel vessels but one kind of valve gear, to wit, balanced poppet valves; and that since the establishment of the Bureau of Steam Engineering, two kinds of valve gear have been used on side-wheel vessels, to wit:

1. Balanced poppet valves, with Stevens's cut-off.
2. The main slide valve, with Stephenson's link.

The preponderance being largely in the use of the former, (only one of the latter.)

The important point in relation to valve gear, as it appears to the committee, is one rather of convenience than of principle. The investigation shows that the same general variety has been used since as before the present administration, and that some private establishments use one kind and some another. The preference of the Navy Department appears to be, in screw vessels, for the single lap slide valve, with Stephenson's link; and in side-wheel vessels for this kind, and for balanced poppet valves, with Stevens's cut-off. The important consideration in this appliance appears to be that it shall be variable, at will, between the points of cutting off; that it shall be simple in construction and durable; and it further appears that an independent cut-off, as it is termed, is much better adapted to use in side-wheel steamers than upon screw vessels. As has been before stated, the range of expansion measured by the limits of cutting off steam in the cylinders does not vary materially in the new from the older engines of the navy. That of *screw* vessels, while it differs somewhat in application, does not essentially differ in principle or theory.

The following brief statements of testimony bear directly upon this part of the case:

E. D. Leavitt, second assistant engineer United States navy, testifies: "The English naval vessels have the same valve gear as those of the Bureau of Steam Engineering."

John H. Towne, engine builder, testifies: "The engines constructed on the plan of the Bureau of Steam Engineering *do not differ* in their valve gear from the valve-gear ordinarily used in commercial engines. The link motion and slide valve are used universally on the 'other side'"—meaning, in European countries.

Alexander Henderson, chief engineer United States navy, testifies: "The valve motion used on the ships built on the plan of the Bureau of Steam Engineering is almost the same as that used in the English navy. In the gun-boats it gave great satisfaction. In screw propellers it is the best. So decided in the English navy."

J. Vaughan Merrick, engine builder, testifies: "The valve gear of our vessels is similar to that of France and England during the past two years. When we have constructed fast-moving engines, *we* have used Mr. Isherwood's precise movement."

Samuel Woodruff, engine builder, testifies: "I recommend the plain slide cut-off for propellers. For stationary engines I should recommend independent cut-off."

The following questions and answers form a part of the report of the board of nine engineer experts from civil life:

Question. Is it not certain, in your opinion, that an engine having a cut-off

which cuts off the steam by a motion independent of the motion of the exhaust valve, must, of necessity, produce more power from a certain quantity of steam than can be developed from the same quantity by an engine whose cut-off is dependent upon the motion which operates the exhaust valve?

Answer. It is not certain; it may or may not be so, according to the circumstances of the case.

Question. Is not one important difference between the sort of cut-off produced by the valve gear, on the recent war steamers built on Isherwood's plans, and the cut-off on the engines used in the Iroquois and the steamers of the navy and world generally, that in the recent ships the cut-off is dependent on the same motion which exhausts the steam from the cylinder, while in the older war vessels, and in the vessels of the world generally, the cut-off is independent of that motion, and may, therefore, be varied at pleasure without interfering with the exhaust motion?

Answer. The sort of cut-off used in the engines of the war steamers recently built in this country, in the particular mentioned in the interrogatory, does not differ in principle from that usually employed in the naval service and mercantile marine of other countries. It is not, however, true that in all cases in this country the independent cut-off used is variable at pleasure while the engines are in motion.

The board also say, in answer to the third interrogatory:

It is possible by the link motion used in screw war vessels recently built to obtain all desirable range in the cut-off apparatus.

E. D. Leavitt, second assistant engineer United States navy, testifies: The engines built from the plans of the Bureau of Steam Engineering are not of a proper construction to admit of the use of steam economically. It is a defect in the vessels of the Bureau of Steam Engineering, leaving off the independent cut-off. The plans of the Bureau of Steam Engineering, except as to cut-off, are superior to anything in any navy or in general use. I am not in favor of Sickles's cut-off. The Eutaw consumes less coal than any American merchant vessel, owing to super-heated steam. She has Stevens's independent cut-off.

E. N. Dickerson, civil engineer, testifies: All merchant ships of the United States of any size have independent cut-off. In the French navy all their engines have independent cut-off. It is an independent slide valve cut-off. In England, however, of late, one concern there, the Penn Works, have been building engines without an independent cut-off, using the link motion to produce a cut-off on large cylinders; they work steam expansively, and do it with the link motion on large cylinders. Some English naval and some merchant vessels cut off by the link motion.

William H. Shock, fleet engineer United States navy, testifies: Experience has shown that the dispensing with the independent cut-off has been an improvement. There has been a saving—the first cost of construction and in repairs. Dispensing with the independent cut-off makes our vessels conform more to the English standard than they did before.

Some years ago it was thought to be economy of fuel to work steam expansively. The department ordered the ordinary slide cut-off valve to be removed from the steamer Princeton, and Sickles's independent cut-off to be put on. She was tried, and the whole thing found to be utterly useless, and it was taken off. The Pensacola and Richmond were failures on account of the independent cut-off.

P. G. Peltz, chief engineer United States navy, testifies: I consider the cut-off now in use in the navy the best, "Stephenson's link," and "Stevens's cut-off." They are used in the merchant marine; they are most simple.

Alexander Henderson, chief engineer United States navy, testifies: The Pensacola and Richmond have been rendered useless by the independent cut-off.

WEIGHT OF MACHINERY.

Fourth. In respect to the weight of the machinery designed by the Bureau of Steam Engineering, some of the witnesses before the committee were of opinion that the engines were needlessly heavy in some of their parts, but no special instances were given, nor were any facts stated which would enable the committee to make an actual comparison in this respect between the engines of our navy and those of foreign navies and of mercantile marine engines. It will be remembered, however, that the theory of the department is, as has already been stated, to work the engines with large boiler power and high pressure of steam; and it is also admitted by the department, that, other things being equal, some parts of the engines of a naval vessel should be made somewhat heavier than the corresponding parts of a commercial steamer, because the opportunities for repairs are less frequent, and there is constant liability to emergencies requiring the utmost power of the machinery in use for a longer or shorter period. It is also designed to give such weight to the working parts as to secure steadiness in the operation of the machinery and diminish the friction. It appears, however, that this subject had early engaged the attention of the department, and before this investigation commenced it had scrutinized the machinery with a view to diminishing its weight, and adopted some changes, but not of great amount. It will be borne in mind that among the first vessels built by this administration were the duplicates of the Iroquois, Wyoming, Mohican, and Seminole, and of course there could have been no excessive weight of machinery in those duplicates as compared with their originals, since they were made from the same drawings and patterns. So also of the twenty-three gunboats, the Unadilla, Pembina, Seneca, and Ottawa were built by the Novelty Works from the drawings and patterns of its own make, and from which it had built corresponding machinery for the Russian government. If we confine the comparison to the machinery of the Bureau of Steam Engineering with that of other builders, it must necessarily be between its machinery and that of those who design machinery for naval vessels after their own notions. Of these there are but three—Messrs. Bartol, Merrick, and Wright. Mr. Bartol says: "The great difference between the engines built on the plans of the Bureau of Steam Engineering and those built before its establishment is in their excessive weight. I do think putting in engines of excessive weight has been fatal to the naval engines." He is also of opinion that the machinery of naval vessels should not be heavier than that of merchant steamers. Mr. J. V. Merrick, who is associated in business with Mr. Bartol, "thinks our naval machinery could be made much lighter to advantage," but also says Mr. Isherwood is recently building his engines lighter.

Mr. William Wright states that the only defect in Mr. Isherwood's engines, except as to expansion of steam, is that they are too heavy; yet it will appear that Mr. Wright's opinion was thus given unadvisedly from the following facts in the case:

Messrs. Woodruff & Beach, of Hartford, Connecticut, have recently built the gunboat Nipsic on the plans of the chief of the Bureau of Steam Engineering, and the Pequot on their own plans; Mr. Wright being their foreman and designer. The vessels are of the same size and model as to hull. The boilers screw and shafting are just alike, and the contract required that the exact weight of the machinery should be returned to the Navy Department before final payment is made. It also appears that Mr. Wright returned the weight of the machinery put into the Pequot on his own plans as 328,560 pounds, or 6,899 pounds heavier than that put into the Nipsic, viz., 321,661 pounds, on the plans of the chief of the Bureau of Steam Engineering.

The weight of the engines of the Yantic, returned to the Navy Department

by Messrs. Merrick & Bartol, is 327,426 pounds, or 5,765 pounds heavier than the machinery of the Nipsic, of the same class designed by the chief of the Bureau of Steam Engineering.

The following is the substance of the opinions given before the committee respecting the weight of engines :

P. G. Peltz, chief engineer United States navy, testifies : "The engines built on the plans of the Bureau of Steam Engineering are considered heavier than those of an earlier date. The results I have obtained from experiment seem to show that there is an advantage derived from such additional weight.

"The friction is less than when the parts are lighter. They are only heavier in particular parts, the working parts and those which sustain the working parts thereby giving more rigidity to the engine.

"It is an improvement on the part of the Bureau of Steam Engineering in increasing the weight of the engine."

Charles H. Baker, chief engineer United States navy, testifies : "Quick moving engines require greater strength than slow moving engines."

E. D. Leavitt, second assistant engineer United States navy, testifies : "The working parts of merchant steamers are lighter than those of the navy. The working parts of naval vessels should be one-sixth heavier than those of merchant ships."

The fifth and last particular in which we are to look for changes and differences in our naval vessels from those of other navies and from commercial steamers is in their

CONDENSERS.

An examination of the analysis will show that prior to the commencement of this administration there were two kinds of condensers used, namely, the jet condenser and the surface condenser, and that of the latter there were three varieties, Pirsson's, Hall's, and Sewell's ; and that since that date but one kind has been used by the Navy Department, namely, Sewell's surface condenser. The committee learn that the preference for the surface condenser over the jet condenser is general, and in no respect confined to our navy ; and that among the several kinds of surface condensers that of Sewell's is also preferred by most designers and engineers ; that it gives a greater vacuum ; that it has been extensively introduced in the commercial steamers and in the British navy ; and that its use would have hitherto been still more general but for its comparative cost. It will be seen by the following extracts from the testimony before the committee, that but one engineer prefers any other condenser to Sewell's, and he testifies that Sewell's is in general use.

The following brief statements of testimony bear directly on this part of the investigation :

E. N. Dickerson, civil engineer, testifies : "The Pirsson's condenser used in the San Jacinto is the best in use. The Sewell's surface condenser is in general use. Some of the defects in the original vessels of the navy were in not having surface condensers and blowers."

E. D. Leavitt, second assistant engineer United States navy, testifies : "Sewell's condenser works admirably."

Edmund S. DeLuce, chief engineer United States navy, testifies : "I think the use of surface condensers has, on the whole, been advantageous."

Alexander Henderson, chief engineer United States navy, testifies : "The only difference between our navy and the French and English is in the use of the surface condenser, Sewell's. The use of it has been advantageous."

William H. Shock, fleet engineer United States navy, testifies: "Sewell's surface condenser is the best known of the kind. Merchant vessels do not generally use them because they are too expensive. The adoption of Sewell's surface condenser is an improvement."

B. F. Garvin, fleet engineer United States navy testifies: "I consider Sewell's surface condenser the best."

B. F. Isherwood, engineer in chief United States navy, testifies: "In the old screw vessels in the condenser used (Pirsson's) the vacuum was three inches of mercury too poor. In the machinery used by the squadron of South Carolina, Sewell's surface condenser is used. It is used in mercantile steamers, when surface condensers are used; and it is still more extensively used in the British mercantile marine. It is being introduced extensively into the British navy. The board of nine engineers (experts) from civil life say it is equal to any other condenser used."

What has thus far been stated relates to the first two branches of the resolution, namely, those relating to the plans and structure of the American naval machinery, and to the differences in which it was implied the latter engines differ from the earlier ones. The statements have been so made, also, to comprehend, as far as practicable, the four points presented by those with whom the machinery is in disfavor.

The particulars of difference between the American naval engines and the English and French have also been incidentally treated in the examination of the subject hitherto. In order to carry this part of the comparison much further it would be necessary to institute an analysis of the machinery of the vessels of the French and English navies, similar in its details to that which has already been presented of our own; this the committee believe will scarcely be expected of them, and they do not believe it would be of any practical value in elucidating the subject. The engines of those navies, doubtless, embrace an equal variety of types and appliances, and, moreover, each would be found to be marked with those national characteristics which constitute points of peculiarity without being in themselves standards of merit. We have little difficulty in instantly detecting products of English, French and American industry, or of recognizing the peculiarities of each. These peculiarities rest not only on the progress in the arts of these nations, respectively, nor on their scientific attainments, but also upon the special necessities, tastes and caprices of their people. In what is French we naturally look for gracefulness, in the English for durability, in the American for novelty; and the intercourse of these nations is so intimate that they are perpetually qualifying each other, especially in their mechanical industry. The present state of the mechanic arts in the United States is such as to take away the prejudice which once assigned to their products a secondary place in the competition with foreign productions of like nature. England and France held the precedence in the arts in consequence of their precedence in time, and not because of their superiority in genius or skill. We have followed the English more closely than the French, because of our closer likeness and association with them; but during the last quarter of a century, what we have borrowed from either has been more than repaid, in what they have adopted from the genius and skill of our countrymen. The World's Industrial Exhibitions put quietly and securely at rest all disputation respecting the inferiority of American skill and industry.

In naval marine engines, as in other mechanics, we more nearly resemble the English than the French; but we have ceased to be imitators of either, while

both look anxiously to us as the pioneers of rational and safe progress. In England, as your committee are informed, the systems of Penn and Maudsley are in favor with good engineers, while, in this country, they are not in good repute. For the purpose of presenting such particulars as will afford a general idea of the relative character of English and American naval vessels, and of their respective performances, the committee have appended hereto two tables in which they are classified. The following extracts from the testimony before the committee will show the current of opinion on this subject:

Mr. H. Shock, fleet engineer United States navy, testifies as follows: "Our engines compare most favorably with the English engines. I know of no deficiencies."

Charles H. Baker, chief engineer United States navy, testifies as follows: "The type of engine made from the plans of the Bureau of Steam Engineering is similar to that of the British navy. The only difference is in the surface condenser. I could not suggest any change."

Alexander Henderson, chief engineer United States navy, testifies as follows: "The engines built on the plans of the Bureau of Steam Engineering more closely resemble the English engines than any heretofore built in this country. My experience teaches me that the Adirondack class of engines is the most perfect I have ever seen."

Edmund S. DeLuce, chief engineer United States navy, testifies as follows: "I know of no defects in the plans of the engines of the Bureau of Steam Engineering."

John W. Moore, chief engineer United States navy, testifies as follows: "The engines of the Bureau of Steam Engineering are but copies of the French and English engines. The main point of difference is in the superior workmanship of the French and English engines. The principle is the same. I know of no changes which could be made in the plans of the Bureau of Steam Engineering which would be beneficial. The *over head* cylinder engine used in the merchant marine is the *best*. It *cannot* be used in the navy, as it would be exposed to shot."

B. F. Garvin, chief engineer United States navy, testifies as follows: "The best of the captured English blockade-runners have more power than ours, owing to their having larger engines for the size of the vessels."

P. G. Peltz, chief engineer United States navy, testifies as follows: "With reference to engines, from the data I have recorded from time to time I think ours are more economical with respect to the consumption of fuel, more substantially built, and in every way *fully* as efficient as the English. I think all modern improvements of practical utility have been adopted in the engines built on the plans of the Bureau of Steam Engineering."

J. V. Merrick, engine builder, testifies as follows: "We have always been in favor of the 'direct-action.' The Bureau of Steam Engineering is in favor of the back-action; but I do not think it can be said that the Bureau of Steam Engineering has one plan, and the engineering profession of the country another."

Samuel Archbold, formerly engineer-in-chief United States navy, now engine builder: "I would not use the same kind of engines for naval as for merchant ships. In naval vessels it must be below the water-line, consequently more compact, and *necessarily heavier*. I think the Navy Department is quite *up* to the *outside yards* in the construction of machinery."

BY WHOSE AUTHORITY, ETC.

The THIRD branch of the investigation required by the resolution is: By whose authority, under whose supervision, and on what experiments these changes were made, and whether the inadequate speed of our naval vessels is caused by these differences.

1. Reference to the organization of our form of government will assist the

answer to the first two items of this inquiry. The President of the United States, the head of the executive department of the government, is the ultimate executive authority in the administration of the navy. Authority in this, as in the other branches of the executive department, is more directly exercised by its own head, the Secretary of the Navy, whose branch is subdivided into eight bureaus; and the construction of naval marine engines is under the immediate authority and supervision of the chief of the Bureau of Steam Engineering.

When engines, or parts of engines, have been built for the navy upon other plans than those of this officer, and for the quality and performance of which he is not responsible, these particulars have been guaranteed by sureties; and their construction has been under the authority and supervision of their designers or builders, and the Bureau of Steam Engineering has detailed an engineer of the navy to inspect the work in its several stages of advancement, &c.

2. Various experiments have from time to time been undertaken under the direction of the Navy Department, or at its instigation, the result of which has been partly to establish what was already adopted and partly to modify. These experiments have related to boilers—to the relative economic advantage of using steam with different degrees of expansion, &c.

Not to go too far back, the committee find that in June, 1858, a board was constituted by the Navy Department for the purpose of making a series of experiments with the boilers of the San Jacinto, one of which was the vertical water-tubular boiler, and the other the horizontal fire tubular boiler, and both were of the same dimensions. This board consisted of Chief Engineers Isherwood, King, Everett, and Faron. This board reported, after completing their experiments, that “finally, in view of the much greater evaporative efficiency of the vertical water-tubular boiler, and the facility with which it may be scaled, we would express our decided opinion that its superiority over the horizontal fire-tubular boiler is so strongly marked as to unquestionably entitle it to the preference.”

In the month of June, 1863, a series of very elaborate and careful experiments was made by Chief Engineers Zeller, Garvin, Henderson, and Hunt, on the boilers of the United States steamer San Jacinto. They were so varied, and of such duration in point of time, as to insure reliability and the “correct practical mean.”

These experiments were made with the maximum rates of combustion, with both natural and artificial draught. The boilers of the San Jacinto are the same in all respects, excepting that the tubes in one are vertical water-tubes, while those of the other are horizontal fire-tubes. In making the experiments all the water and coal used were carefully measured and weighed, and the same firemen were employed throughout. Each experiment continued a given time, namely, seventy-two hours, and a tabular statement kept during the entire series by the senior engineer of the watch. Both boilers were experimented on simultaneously, and every precaution was taken to get the real practical results of the two different types.

In their report the board decided that in eleven particulars the vertical water-tubular boiler is superior to the horizontal fire-tubular. They also report that the vertical water-tubular boiler has 14.79 per cent. greater economic evaporation than the horizontal fire-tubular boiler; and they conclude their report with the following statement:

“From the foregoing it will be perceived that under all the variations of condition and proportion, with natural and with artificial draught, and with economic results from the horizontal fire-tube boiler that were a maximum for its type, the superiority of the vertical water-tube boiler was so strongly marked, both as to economic and potential evaporation, as to unquestionably entitle it to the preference for marine purposes.”

The most elaborate experiments that have been undertaken were made prin-

cipally "to aid in ascertaining the comparative economic efficiency of steam used with different measures of expansion, and the absolute cost of the power obtained therefrom in weights of fuel and steam; the causes and quantities of the condensations in the cylinder; the economic effect of steam jacketing and steam super-heating, and of various proportions of cylinder capacity for the same weight of steam used per stroke of piston; the economic and absolute evaporative efficiencies of boilers of different types and proportions; the comparative caloric values of different coals as steam generators; the performances of United States war screw steamers," &c., &c. These experiments were made in 1860 with the machinery of the United States paddle-wheel steamer Michigan, at Erie, Pennsylvania, and were conducted by a board of naval engineers, consisting of B. F. Isherwood, engineer-in-chief of the navy, and Theodore Zeller, Robert H. Long, and Alban C. Stimers, chief engineers of the navy. The description and results of these elaborate experiments are embodied in a quarto volume of 355 pages, entitled "Experimental Researches in Steam Engineering," &c., and are too extensive to be quoted in this report.

It is understood by the committee that such modifications as have been made in the structure of machinery of our naval vessels since the date of these several experiments rest mainly upon them, and upon the results of actual service.

The board of nine engineers from civil life, selected by the Secretary of the Navy in January, 1863, for the purpose of obtaining their opinions upon the machinery used in our naval vessels, having differed in their opinion respecting the relative value of Martin's boiler and the horizontal fire-tube boiler from the opinions and experience of the engineers of the navy in general, two experimental boilers, one of each of the descriptions above named, have been constructed, and a series of experiments with them is now in progress at New York, the result of which will be looked for with much interest by the advocates of the claims of each of these boilers.

Still another board, appointed in 1864, and consisting of three members of the National Academy of Science, three members of the Franklin Institute, and Rear-Admiral Davis, Chief Engineer Isherwood, and Horatio Allen, is now engaged in conducting experiments with apparatus designed by the latter to determine the questions involved in the resolution upon which this investigation is founded, and those which have been offered for solution in the course of the testimony. Besides these special appointments the Navy Department has been accustomed to have the working of the machinery of the naval steamers in actual service carefully tested, and the results collated and compared, thus securing a wide range of experiments made under the conditions of ordinary use.

3. The resolution assumes the inadequate speed of our naval vessels, and the last point in the third subject of inquiry is, whether this is caused by "these differences." In the original steamers of the navy great speed under steam was not sought, their steam-power being regarded chiefly as an auxiliary to sails and to manœuvre the ship in action. Durability, power, and capacity to make long cruises were the principal objects sought, the expectation being that these vessels would be used for the various purposes of a navy in time of peace, or in waging war with some foreign power. When the rebellion broke out an immediate and large demand was made for vessels for a great variety of purposes, and especially for those of patrol of inland waters and the blockade of seacoast, and the earlier vessels were built mainly for these purposes. The blockade-runners, as they are termed, were a class of small vessels of small capacity for cargo, carrying no armament and built for high speed. So also it was reported that the piratical cruisers built in Great Britain and designed to prey upon American commerce possessed great speed, though there is reason to believe that their speed has been greatly overestimated. Experience, however, seemed to indicate the necessity for vessels of higher speed, and this soon became one of the objects to be attained in constructing the later steamers.

It is assumed in the resolution that the speed of our naval steamers has

decreased since the establishment of the Bureau of Steam Engineering, but the facts of the case do not sustain this assumption. For convenience of statement and comparison, we divide the steamers into two classes :

- 1. Screw steamers or propellers.
- 2. Side or paddle-wheel steamers.

Reference to the table of the eighteen *screw steamers* of the navy built before the rebellion (see page 4) will show that their maximum speed under steam alone ranged from 8 knots to 11.7 knots per hour ; and that their average speed at sea, with steam and sails, ranged from 6.5 to 8.5 knots per hour ; the fastest vessels being the second-class sloops of the Iroquois class, of about 1,000 tons burden. It will also be seen by the following table, furnished by the Bureau of Steam Engineering of the Navy Department, that the ten screw sloops of the Ticonderoga class, and of about 1,240 to 1,533 tons burden and built on the plans of the bureau, have a maximum speed under steam alone of 12 knots per hour ; and that the screw gunboats of the Itasca class, of which there are nineteen of about 504 tons burden, have a maximum speed under steam alone of 10 knots per hour ; and the screw gunboats of the Nipsic class, of 593 tons, built on the plans of the Bureau of Steam Engineering, of which there are three completed, have a maximum speed of 12½ knots per hour under steam alone. A comparison of these two tables with reference to the screw vessels of the navy built before and since the establishment of the Bureau of Steam Engineering, so far from showing a decrease of speed, shows a considerable increase.

Name.	Tonnage.	Maximum speed under steam alone in smooth water in knots per hour.
SCREW GUNBOATS:		
Itasca, Huron, Chippewa, Pinola, Kineo, Kennebec, Wissahickon, Tahoma, Cayuga, Marblehead, Wenona, Chocura, Kanawha, Katahdin, Owasco, Sagamore, Aroostook, and Sciota.	504	10.0
1. DOUBLE-ENDERS, SIDE-WHEEL:		
Sonoma, Paul Jones, Cimarron, Mahaska, Maratanza, Cone-mough, Genesee, Octarora, Port Royal, Sebago, and Tioga.	850	11.0
2. DOUBLE-ENDERS, SIDE-WHEEL:		
Eutaw, Sassacus, Wateree, Patuxet, Tallapoosa, Winooska, Mackinaw, Shamrock, Tullahoma, Tacony, Iosco, Agawam, Pontoosac, Osceola, Massasoit, Mattabesett, Chickopee, Ascutney, Otsego, Chenango, Metacomet, Lenopee, Mendota, Mingoe, Pontiac, and Peoria.	974	13.7
SCREW SLOOPS:		
Ticonderoga, Shenandoah, Monongahela, Ossipee, Juniata, Lackawana, Sacramento, Adirondack, Housatonic, and Canandaigua.	1,240 to 1,533	12.
SCREW GUNBOATS:		
Nypsic, Shawmut, and Nyack.	593	12.½

2. Reference to the table of the tonnage and speed of the side wheel steamers of the navy built before the rebellion, (see page 5,) of which there were five, ranging in tonnage from 453 to 2,850 tons, will show that their maximum speed under steam

alone ranged from 8.7 knots to 11 knots per hour. And reference to the table on the last page will show that the first lot of twelve side-wheel steamers, of 850 tons burden, built under the plans of the Bureau of Steam Engineering, have a maximum speed under steam alone of 11 knots per hour; and that the second lot of side-wheel steamers on the plans of the bureau, of which there are twenty-seven vessels, of about 974 tons burden each, have a maximum speed, as proved by the trial of the *Eutaw*, of 13.70 knots per hour. Comparison of these tables with reference to the *side-wheel steamers* built before and since the establishment of the Bureau of Steam Engineering, therefore, shows also no decrease, but a considerable increase of speed in the later vessels.

A just comparison of the naval vessels built on the plans of the Bureau of Steam Engineering with merchant vessels cannot easily be made. The kind of service for which they are respectively intended, their models, distribution of weights, and many other of their characteristics are totally unlike, nor have the committee been able to get such data on the subject as was desirable. But the statements of the speed of merchant vessels transmitted herewith clearly show that the navy in this particular compares favorably.

SPEED OF THE FASTEST MERCHANT TRANSATLANTIC STEAMERS.

As a very exaggerated idea is generally had of the speed of the ocean merchant steamers, the following table is given with a view to correct erroneous impressions. It shows the average speed made during the year 1862 by the screw and side-wheel steamers of the Cunard line, and of the screw steamers of the Liverpool, New York, and Philadelphia line, plying between the cities of New York and Liverpool. In computing the speed per hour, the distance is taken at 3,050 geographical miles.

These vessels run at their best speed; they burn all the coal they can from their departure to their arrival, and use their canvas (with which they are well provided) whenever it can be advantageously set. The average of so many voyages in both directions, must be very nearly the correct speed that can be permanently sustained under steam alone at sea, uninfluenced by weather, which is neutralized during so long a course of steaming, and in opposite directions; nor should it be overlooked that this speed corresponds to the vessel's draught of water when her coal and stores are half expended, and not to the deep-load draught of water. The maximum and minimum passages are due purely to favorable or unfavorable weather.

The average speed of the Collins steamers was $11\frac{3}{4}$ knots per hour. That of the Peninsular and Oriental Steamships Company is $10\frac{3}{4}$ knots per hour. All of these vessels, it will be remembered, are of large tonnage, and have models as sharp as it is possible to construct them. On the whole, it may be considered that a medium-sized screw vessel, of the best model, which can permanently sustain $10\frac{1}{2}$ knots per hour at sea, uninfluenced by weather, is a fast merchant steamer.

Name of vessel.	Number of voyages from New York to Liverpool.	Number of voyages from Liverpool to New York.	Mean length of all the voyages in days and hours.	Average speed of all the voyages in knots per hour.
Paddle-wheel steamers—Cunard line:				
Asia	4	3	12.15 $\frac{1}{4}$	10.04
Arabia	2	2	14.7 $\frac{1}{2}$	8.88
Africa	3	2	13.0	9.78
Persia	5	6	11.3	11.42
Scotia	5	6	10.18 $\frac{4}{10}$	11.80
Mean of all five				10.39
Screw steamers—Cunard line:				
China	1	3	12.2	10.52
Australasia	4	4	11.0 $\frac{1}{4}$	11.54
Mean of the two				11.03
Screw steamers—Liverpool, New York, and Philadelphia Steamship Company:				
Ætna	6	5	12.4 $\frac{1}{8}$	10.43
Glasgow	4	3	14.11 $\frac{3}{4}$	8.78
Edinburgh	6	5	13.5	9.62
City of Washington	8	8	11 21	10.70
City of Baltimore	8	8	12.8	10.30
City of Manchester	5	4	12.23	9.81
Mean of all six				9.94

In relation to the comparative speed of the steamers of our navy and those of foreign navies, reference is made to the tables at the end of this report. It should, however, be kept in mind that the vessels hitherto completed for our navy have not been constructed with reference to attaining the highest rate of speed, and that in this respect the comparison cannot be full until the vessels designed especially for speed, such as those of the Ammonoosuc class, shall have been completed.

The committee append the following items of testimony respecting the power and speed of American and foreign naval steamers and those of the merchant service.

E. D. Leavitt, jr., 2d assistant engineer United States navy, testifies: "The speed of merchant vessels is greater than that of naval vessels."

Mr. B. H. Bartol, engineer of Merrick & Sons, engine builders, Philadelphia, testifies: "Our naval vessels are inferior in speed to merchant vessels. English and French naval vessels are inferior in speed to merchant vessels."

Mr. William Wright, engine builder, New York, testifies: "They get more speed from merchant vessels than from naval; but merchant vessels would not be practical for the navy."

John Henry Towne, engine builder, Pennsylvania, testifies: "I do not think there is inadequate power. I think those engines (from the plan of the Bureau of Steam Engineering,) are doing more work than any engines of the same size in the English navy."

William H. Shock, fleet engineer United States navy, testifies: "There cannot be a fair comparison between merchant and naval vessels. The vessels now

built are faster than those formerly built. There has been a great improvement in that particular. My last cruise was in the China seas. There were fifty English gunboats there. They were not as efficient as ours in size, speed, or battery."

Charles H. Baker, chief engineer United States navy, testifies: "Our vessels have more speed and are more economical than the English."

Chief Engineer John W. Moore testifies: "English and French vessels have no advantage over ours in speed; have in durability, owing to superior workmanship."

Mr. J. Vaughan Merrick, of Philadelphia, testifies: "In the nature of things it is impossible for a vessel-of-war to be as fast as a vessel of the same tonnage in the merchant marine."

P. G. Peltz, chief engineer United States navy, testifies: "I think our vessels are superior in speed to the English."

Edmund S. DeLuce, chief engineer United States navy, testifies: "I have been much among English vessels. I know of no advantage which they have over ours. I think ours are fully up to them in point of speed."

PENSACOLA.

Fourth. The FOURTH branch of investigation in the resolution is, "whether any unfair practices were resorted to by any person in or under the authority of the Navy Department, in the mode of manning or handling the engine of the Pensacola, with a view to break it down, and bring it and the plan on which it was constructed into disrepute."

During the administration of President Buchanan, while Mr. Toucey was Secretary of the Navy, and Mr. Archbold, now of Chester, Pennsylvania, was engineer-in-chief, Mr. E. N. Dickerson, of New York, conducted some experiments in the use of steam at the Washington navy yard, by which and by other means Mr. Toucey was impressed with the belief that Mr. Dickerson could construct a steam naval vessel superior in efficiency and economy to those in common use; and he subsequently gave Mr. Dickerson opportunity to test his plans and theory in the construction of a sloop-of-war, since known as the Pensacola. It was to be in many respects an experimental ship, and its machinery was constructed after plans designed to work steam under the high measures of expansion, of which Mr. Dickerson is the most prominent and the ablest advocate. The appliances of this machinery were also peculiar to this theory for the most part, and designed to be its auxiliaries. The peculiarities of the machinery of the Pensacola may be generally stated to be—

1. The use of large cylinders, so as to work steam with large measure of expansion.
2. In the use of a peculiar condensing apparatus.
3. In the use of an air-tight fire-room.
4. In the use of small boilers in proportion to her cylinders.
5. Her valve gear and cut-off (poppet valves and Sickles's cut-off) were not the kind generally used in screw steamers.

The hull of this vessel was built at the United States navy yard at Pensacola, and is in all respects, so far as known to the committee, of proper model and workmanship, and corresponds to the first-class sloops like the Brooklyn.

The machinery was built at the Washington navy yard under the direction of Mr. Dickerson and his associate, Mr. Frederick E. Sickles, and is wholly after their plans. The vessel was completed for her trial trip and was turned over to the government in December, 1861. Her trial trip was made on the Potomac river, and the speed reported was 8.8 knots per hour. When ready for sea she moved down the Potomac and started upon a voyage to New Orleans. Her performance during this voyage was unsatisfactory, and from New Orleans she was reported to be an inefficient vessel on account of the incapacity and complicated character of her steam machinery. Mr. Dickerson averred before

the committee that Mr. Isherwood having become engineer-in-chief of the navy, and being hostile to himself, those in charge of the vessel were hostile to her plans, and that this hostility was manifested, even before the vessel was passed over to the government, by its restraints imposed upon his associate, Mr. Sickles; and, further, that by withholding the requisite quantity of oil from the machinery, by allowing the condensers to be clogged with mud, and by general disposition to obstruct its operation, the machinery was disabled and prevented from accomplishing results of which it was fully capable. He also averred that the ship was hogged in consequence of getting upon the Florida reefs, and that the machinery was thrown out of line. The ship, on her voyage to New Orleans, was under command of Captain Henry W. Morris, and the engineers in charge of her machinery were Chief Engineer S. D. Hibbert and Assistant Engineers J. T. Hawkins, Geo. W. Magee, and C. H. Ball, and it appears from their testimony before the committee that she averaged on the voyage to New Orleans (Hibbert says) a speed of $7\frac{1}{2}$ to 8 knots per hour; that in passing the batteries on the Potomac she made (Ball says) 7 knots an hour. Ball says that from Fortress Monroe to Key West she did not average 5 knots per hour. Hawkins further states that before she reached Key West he disconnected her screw and proceeded under sail alone, and that in going up the Mississippi river the Pensacola arrived two hours behind the rest of the fleet. It is not disputed that the ship ran upon the reefs off the coast of Florida, but beyond the averment of Mr. Dickerson, and the testimony of Mr. Robert Cameron, there is no evidence that she was hogged, or that the machinery was thrown out of line. The officers of the ship disclaim all knowledge of such a fact. When the reports came from New Orleans that the Pensacola had proved inefficient, it appears, from statements made, that by an arrangement between the Navy Department and Mr. Dickerson the latter was allowed to select an engineer of his choice, who was to proceed to New Orleans to put her machinery in good condition and repair; that he selected Mr. Robert Cameron for this duty; that the government paid his expenses, and ordered all the available means and facilities for his purpose to be placed at his disposal.

Mr. Cameron stated that she (the Pensacola) had been badly abused; that the officers in charge of her machinery suffered the condensers to become filled up with mud, and that Mr. Ball told him "he was obliged to smuggle oil during his watch to keep her going."

After the repairs upon the Pensacola were completed by Mr. Cameron, she made, upon a trial trip, a speed of seven knots per hour. She was employed in service at anchor before New Orleans until her return to New York. The testimony given before the committee in relation to the performance of the Pensacola on her voyage to New Orleans, and to the condition of her machinery after her arrival, is very full and circumstantial. And while it appears that some of her officers, and probably a majority of them, did not accord with the plans and theory upon which her machinery was constructed, the testimony is uniform that no "unfair practices" were used by any person to interrupt its best performance, but, on the contrary, the chief engineer in charge of the ship swears that nothing was done to break her down, and that everything was done that could be done to make her a success. Mr. Ball states in his testimony before the committee that there was a short allowance of oil during twenty-four hours on the trip to New Orleans, but that it occurred through mistake. Mr. Hawkins, second assistant engineer, states that he never heard of any unfair practices upon the machinery of the ship; Mr. Magee, another second assistant engineer, states that he knew of none; and Mr. Ball, second assistant engineer, states that no unfair practices were resorted to, and that "we did everything in our power to get the ship along."

Mr. William H. Shock, fleet engineer, who examined the machinery at New Orleans, says the machinery of the Pensacola was in good order when she came

home. "In an examination of the machinery I could not see that it had been tampered with or injured in the least degree." And Captain J. H. Strong, who commanded the *Pensacola* on her trip from New Orleans to New York, states that he never heard of any "unfair practices" upon her machinery.

In regard to the charge of restraint upon Mr. Sickles while engaged in getting the *Pensacola* ready for sea, it appears that the government was in pressing need of the ship. The rebellion was already in progress; the shores of the Potomac were held at different points by the enemy's batteries, and he was already in possession of New Orleans as well as of the ports of the Atlantic and the Gulf, and it was important that every available vessel of the navy should be brought into active service, and that no absence should be granted to those whose services in the completion of this vessel were indispensable. Mr. Sickles, the constructor of the engines of the *Pensacola*, is now absent from the country, and his own testimony could not be obtained; but Mr. Theophilus E. Sickles, his brother and business agent, testified that Mr. Sickles was arrested and held while at work on the *Pensacola* because he left her and was gone four or five days without giving notice to the government of his intended absence; and he further stated that he did not believe his brother's arrest was instigated by Mr. Isherwood, or resulted from any hostility between them.

The charge that any unfair practices were resorted to by any person in or under the authority of the Navy Department in the mode of manning or handling the engine of the *Pensacola*, with a view to break it down, rests entirely upon the assertion of Mr. Dickerson, and the testimony of Mr. Robert Cameron, whom he selected to go to New Orleans to repair it.

By order of the Secretary of the Navy, in April, 1863, a survey was made of the engines of the *Pensacola* by Captain Melancton Smith, U. S. N., George F. Kutz, chief engineer U. S. N., John W. Moore, chief engineer U. S. N., and William H. Rutherford, chief engineer U. S. N. The board reports that "the design and attachments of these engines are complicated and peculiar." "The valves are difficult of adjustment, variable in their action, (as Sickles's cut-offs are always known to be,) and cause heating of journals, irregularity of motion sufficient to render their operation accompanied with too much difficulty for general use." "The circulation of water through the condenser is such" that "but very imperfect vacuum, if any, can be obtained." "The scoops are inaccessible, and, from appearances, do not work." "The circulating pumps, for the purpose of forcing water through the condenser, are so small as to be practically useless for this purpose." During the trip "the temperature of the hot well ranged from 150 to 180 Fahrenheit." "The boilers are tight, clean, and in perfect order. The engines are in as perfect condition as such machinery could possibly be kept." "The inefficiency of the machinery can be attributed to none but the designers of the engines."

The cause of the alleged failure of the machinery of the *Pensacola*, as drawn from the testimony before the committee, lies not in any abuse of it by any person, but in the plans and principles upon which it was constructed. Chief Engineer Hibbert and assistant engineers testify that the vessel had insufficient boiler power to work the machinery, and that the means of circulating water through the condensers were so imperfect as to be in a great degree inoperative.

Mr. Dickerson stated, in support of his charge of "unfair practices," that the officers in charge of the machinery of the *Pensacola* suffered the condensers to become filled up with mud; and Mr. Cameron, in confirmation, stated that the ship "was disabled when he reached New Orleans from mud which had accumulated in her condenser." Mr. Hibbert states that her means of circulating water through the condenser were so imperfect that it was impossible to keep the mud out, and he further explains the gathering of mud as follows:

"The great trouble in the Mississippi river arose from the parts comprising the condenser. On the bottom of the ship was a scoop eight or ten feet long,

the object of which was to circulate water through the condensers, so as to keep them cool. This was useful only when the ship is going ahead very fast. In case of a head wind, or a calm, that portion was useless, and we could not get the circulation required through the condenser. In addition, we had force pumps, but too small, and of course useless. So far as practical results were concerned, many times I have had to keep the hose on the condenser to keep it cool until we could move the ship from her course to get water into her condenser. The Mississippi water contains probably about five per cent. of mud in suspension, and in passing it strikes this scoop, goes into the condenser through the valves, into a great recess, and is there deposited."

Chief Engineer Hibbert and Assistant Engineers Magee and Hawkins also testify that the cut-off could not be kept in order, and had to be thrown out of gear.

In respect to the air-tight fire-room, the preponderance of the evidence submitted to the committee shows that, as originally constructed, the heat was so intolerable as to render it impossible for the employes to continue in it for any considerable length of time. Mr. Hawkins, before referred to as the second assistant engineer of the Pensacola, stated as follows: "I have to say, during the trial trip (in Dec., 1861, before she went down the Potomac) Mr. Sickles and myself tested the value of the air-tight fire-room. Mr. Sickles requested me to procure a lamp, which I did; I opened the door leading from the engine-room to the fire-room, and held the lamp in this orifice; both blowers (intended to be used to circulate air through the air-tight fire-room) were running one hundred and fifty revolutions per minute, and the current of air from the natural draught of the boilers drew the flame of the lamp into the fire-room almost sufficiently hard to extinguish it, showing that the blowers did not supply so much air as the boilers would supply themselves with from natural draught."

After the present investigation was commenced, and the condition and character of machinery of the Pensacola became the subject of special inquiry, the Secretary of the Navy ordered the Pensacola to proceed from New Orleans to New York; and on the 3d of May, at the request of the Secretary, the board of experts which convened in January, 1863, reassembled for the purpose of investigating the machinery of the Pensacola. This board was composed of Messrs. W. E. Everett, William C. Hibbard, William Bromley, Charles W. Copeland, B. H. Bartol, J. Vaughan Merrick, William Wright, and Miers Coryell, and among other things they were to report upon were whether they "consider these engines as reliable and successful for naval purposes," and whether they "recommend these engines to be repaired and continued in the vessel, or that others be substituted for them." In their report of May 7 this board reported that they did not consider the engines reliable and successful for naval purposes, or that there are any parts of them which merit adoption, and that "to obtain the same speed of vessel as others of the same class and date previously named, (Lancaster, Brooklyn, or Hartford,) with an equally satisfactory efficiency for continuous service, would, in our opinion, require the substitution for the present engines of others of the type and size in successful use on one of the before-named vessels." This report is signed by the first six members of the board whose names are given above. A minority report by Messrs. William Wright and Miers Coryell differs therefrom, and says that in their opinion these engines (of the Pensacola) are as well adapted for driving the screw-propeller as those in common use for that purpose, and that "they are as reliable, and if they can have a fair trial they will be successful. All the parts which, if used, will result in saving a large amount of fuel with an increase of power, we consider to merit adoption."

* * * "The comparatively small expense required to carry out our recommendation, the short time necessary to complete them, and the certainty of success, leads us to hope that this fine machinery may not be sacrificed."

On the 14th of May the Secretary of the Navy addressed a letter to Messrs.

Wright and Coryell, in which he quoted the paragraph from their report last cited above, and inquired "for what sum they will carry out their recommendations, in what time they will do it, and what speed they will guarantee the vessel to make for four consecutive days." To this letter Mr. Coryell replied, on the 24th, that he would do the work for the sum of eighty-five thousand dollars, (\$85,000,) and complete it in five months, and that, in his judgment, the vessel would afterwards make a speed of ten knots in good weather and smooth sea for four consecutive days; but that he could "give no guarantee of speed, having no means to take a risk of any kind;" and that, in case he received the work to do, he would have to ask for monthly payments from the department. On the 30th May the Secretary declined the proposal of Mr. Coryell "because it places the whole risk on the government, while it leaves his (your) profits sure under any results," but offered to accept his proposition as to price, speed, and time for making the repairs, if these propositions were guaranteed fulfilment, which proposal Mr. Coryell declined in his letter of June 2.

PATENT FEES AND COMMISSIONS.

The FIFTH and last branch of the investigation in the resolution is, "whether any person connected with the Navy Department has received any fees or commissions, or compensation of any kind, from any contractor for engines for the navy, or compelled any payment of fees for patented improvements to persons not entitled to them by persons contracting for engines, or parts thereof."

There was a single instance in which it was alleged that money was paid for facilitating the settlement of an account with the Bureau of Steam Engineering, and the following is the evidence in that case:

Messrs. Murray & Hazelhurst, of Baltimore, in 1861, built the United States steamer *Dacotah*, and before their accounts were settled the firm failed in business, and settlement was made by Messrs. Abbott & Keyser, trustees. When the estate went into their hands there was due from the Navy Department on account of the *Dacotah* about \$12,000, payment of which was refused because after the vessel went to sea it was reported that the iron in her boilers was bad, but on subsequent examination the defect was found to be trifling.

It appears that the trustees found difficulty in effecting a settlement of the account, and employed Mr. Wm. Sewell to aid a settlement, and paid him one thousand dollars for his services. Mr. Sewell states that he received one thousand dollars for his services in the settlement of the account from the trustees of Murray & Hazelhurst, and that his "services were in showing that the injury to the boiler was not a bar to settlement." He says, "I showed the condenser was not injurious to the boilers; that was the only question." "I told Mr. Isherwood it was on account of foreign substances getting into the iron." The bargain to do this he stated was made with Mr. Hazelhurst, in Baltimore, at the time he went to the trustees to get the balance due him on his condenser. He also stated, "I did not divide the one thousand dollars with any one else." "I am not connected in business with Mr. Isherwood in any way."

Mr. Hazelhurst testified that when the concern passed into the hands of the trustees there was due one-third of \$127,000 or \$128,000, the last payment of which, about \$12,000, was retained on account of alleged deterioration of the boiler, and that the trustees employed Mr. Sewell to collect it; that they had employed him before; that Sewell had professional knowledge, and he (Hazelhurst) knew Sewell's opinion would be received with consideration; that he had no reasons to suppose that by Sewell's personal relations or by illegitimate means he could effect a settlement. He also stated, in reply to several questions, that he never had anything to do with Mr. Isherwood, and that Mr. Isherwood had never suggested to him that Mr. Sewell would be a proper person to employ in the settlement of this or any other account.

Mr. Keyser, one of the trustees of Murray & Hazelhurst, states:

"We employed Mr. Wm. Sewell. We employed him because we found there

was difficulty in settling the claim on account of reported corrosion of the boilers. I went with Mr. Hazelhurst to see Mr. Isherwood. After leaving his office we met Mr. Sewell and spoke of the difficulty of getting our money. No bargain was made at that time. When Mr. Sewall came to our office he stopped to ask when we would pay the patent fees for the Dacotah. I told him we would pay a thousand dollars if he would get our money. He returned immediately to Washington, leaving his carpet bag in our office. Some time afterwards we received a notification that payment would be made. I do not know what means Mr. Sewell had to get the claim settled. When I saw Mr. Isherwood the reason he gave why we could not get our pay was because of a stress of business on the Secretary.

No evidence was brought out in the investigation to sustain the implication of bribery or corruption contained in this part of the resolution. Between forty and fifty witnesses were examined with much detail during the investigation, and they embraced naval officers, contractors for and builders of machinery for naval vessels, agents for builders, steam engineers both in and out of the navy, merchants and others, and by none of them was any statement made showing that there had been any pecuniary or other considerations given or received in any instance for advantages of any kind to be given in exchange by any person connected with the Navy Department in connexion with the building of steam machinery; but, on the other hand, the evidence in this case, and facts within the knowledge of the committee and from other sources, show that since the establishment of the Bureau of Steam Engineering the contracts of that bureau have been made with remarkable closeness; and there are now before the committee memorials from contractors for machinery asking for millions of dollars to make up the losses upon contracts for machinery.

With respect to patent fees, it appears that the practice of the Navy Department has been to avoid the question of the rights and claims of patentees altogether in its contracts. The department requires, in the naval machinery built upon its own plans, the use of certain parts and appliances for which persons claim patent rights, and which are, for the most part, known among engine builders by the names of these patentees. The department includes in its contracts exemption from all responsibility for the use of these patents, and in our opinion does rightly in this respect, as otherwise it would be liable to perpetual annoyance by claims for their use, and those who may have rights in them would be liable also to be defrauded in the use of their inventions without compensation. The committee learn that the government is accustomed to pay these fees when these patented parts and appliances are used in the machinery built in its own shops and navy yards; and their use is so extensive in machinery built by private establishments, both for the government and for other parties, that if the claims to patent rights were believed to be invalid they would be likely to be contested in the courts.

The committee have taken occasion to address to the National Academy of Sciences certain interrogations bearing upon scientific subjects connected with this investigation, and, in addition to the portion of its reply given on page 13, of this report, the following was received:

"There is now in progress a series of experiments at the Novelty Works in New York, conducted by a joint commission appointed by the Navy Department, the National Academy of Sciences, and the Franklin Institute. The object of these experiments is to determine exactly what is the amount of advantage practically gained by employing steam expansively.

"It would be inconsistent with the admission practically made by the Academy in entering upon this investigation, that the subject is one involved in difficulties which theory is inadequate to solve, to pronounce categorically upon the questions submitted by Mr. Rice, while the investigation is still pending.

"In regard to the book and report referred to in the questions, it would require some time to examine them with such care as to justify the expression of the opinions asked for; and such opinions would probably be of less value than the results which will soon be reached in the course of the experiments above mentioned."

In conclusion, the committee would state that the subject presented to them by the resolution was so general in its compass of almost everything pertaining to the steam engineering department of the navy, and involved so much that was theoretical and technical as well as what is practical, that the labor imposed by it has been extremely onerous and difficult. They have devoted themselves to it with no other desire than to arrive at the truth, and to sustain whatever should be found to be meritorious, or to condemn if faults and corruption should be developed. They have held upwards of seventy meetings for the purpose of hearing testimony, and have, besides, examined a great amount of documentary matter bearing upon the case.

The resolution upon which the investigation was initiated was evidently designed to cover the whole ground of the labors of the steam engineering department of the navy, both in the principles adopted and the mode of applying them in the construction of naval marine engines, together with matters involved in personal controversy growing out of the practice upon opposite and conflicting theories.

Even a cursory reading of the resolution shows that it is in the nature of a charge and accusation against the Bureau of Steam Engineering, implying that it has made some radical changes in the construction of marine engines which have resulted in detriment to the efficiency of the navy, and against the Navy Department generally, as being corrupt and deserving of censure. The latter question is one of fact entirely, and has been demonstrated, from the great amount of testimony in the case, to be wholly unfounded, there being not the slightest testimony or evidence of any corruption; but, on the other hand, abundance of testimony (which your committee have not thought proper to be incorporated into their report) showing conclusively that in enterprise, desire for improvement, and devotion to the public service, the Navy Department has not been exceeded by any other branch of the government since the breaking out of the rebellion. The first question is one partly of fact, and partly of a scientific nature. That which is practical has been presented by an analysis of the facts before the committee, and by gathering opinions from the testimony of witnesses, very many of whom were averse to the practice of the Navy Department. That which is scientific has been presented by showing results so far as tested, and the balance has been referred to scientific authority.

One of the greatest difficulties encountered in such an investigation arises from the diversity of opinion among experts, and from the fact that even in good practice there is so much variety in details as to render the testimony apparently conflicting to those unskilled in this branch of mechanics.

1. As the result of their investigation, the committee have herein presented a detailed examination of the plans and structure of the marine engines constructed and now in course of construction for the navy.

2. They find that the essential difference between the engines recently constructed and other marine engines is, that they are designed to use steam with a smaller measure of expansion, and their appliances are such as best accord with this idea; but they appear to admit of nearly, if not quite, the ordinary measure of expansion, and in this particular they differ from the common practice less than do the engines built upon the opposite theory of large measure of expansion.

3. There does not appear to be, as is implied in the resolution, any inadequate power and speed resulting from the changes made, but from these changes, or from some other cause, a great increase in these respects. It does appear, on the other hand, that the opposite theory, whether absolutely correct or not, has

not yet been successfully applied to screw engines in naval vessels, but, on the contrary, when so applied, has signally failed; while the scientific authority appealed to in the case does not sustain that construction of the law governing the case under which the economic advantage from large measure of expansion of steam is sought.

4. While there is the statement of the engineer selected by the designer of the engines of the Pensacola to repair her machinery after her arrival at New Orleans, that it was tampered with, all the officers of the ship who have given their testimony, including all or nearly all who had charge of her engines on the voyage, state that the machinery was not tampered with, or, in the language of the resolution, that no "unfair practices were resorted to" to injure it, but, on the contrary, that every exertion possible was made to render it successful. A survey of her machinery by a board of engineers while the vessel was in the Mississippi river resulted in declaring the machinery in good order, but defective in plans and principles of construction. And a subsequent board of engineers not connected with the Navy Department convened at New York, where the ship now is, after examination, reported five to two in favor of removing the machinery, for the same cause.

5. There is no evidence whatever that any person connected with the Navy Department has received any fees, or commissions, or compensation of any kind from contractors for engines or for parts thereof, nor was any witness found who could give a single fact looking to such a practice, nor was such a charge made or intimated by any witness before the committee.

There is no evidence, either, that any persons are compelled to pay for patented improvements to persons not entitled to receive them, unless the general provision of the contracts of the Navy Department for engines, which requires them to be delivered complete and free from claims, can be so construed.

The one vessel of whose speed the committee made trial proved to be one of the fastest steamers afloat, and her machinery was built wholly upon the plans adopted by the Navy Department and after its drawings.

The committee remark, finally, that our navy, thus far completed, has been constructed mainly for the uses required in suppressing the rebellion, and in blockading the ports of the enemy; and the success which has attended its operations under the direction of the brave and skilful men by whom it is commanded and manipulated shows it to be among the most efficient ever constructed, as it is acknowledged to be among the most formidable.

Principal screw war steamers of the United States navy—Continued.

MARINE ENGINES.

35

Name of vessel.	Dimensions of vessel.							Kind of engines.			Dimensions of engines.		
	Measurement tonnage.	Length on load water-line, between rabbets of stem and stern-post, in feet.	Breadth on load water-line, in feet.	Depth of hold, in feet.	Load draught of water, in feet.	Displacement, in tons.	Area of greatest immersed transverse section, in square ft.				Number of cylinders.	Diameter of cylinders, in inches.	Stroke of piston, in inches.
San Jacinto.....	1,446	210.00	38.00	23.50	17.75	2,293.0	515.0	Geared 2.286 times; Pirron's surface condenser and balanced poppet valve.			2	70	48
Wabash.....	3,274	262.33	51.33	33.66	21.83	4,400.0	868.0	Horizontal steeple; jet condenser, slide valve, and independent slide cut-off.			2	72	36
Minnesota.....	3,307	264.66	51.33	33.66	21.83	4,271.2	808.2	Direct-action; jet condenser.....			2	79½	36
Keanoke.....	3,435	263.66	52.50	33.66	21.83	4,395.8	841.6	do.....do.....			2	79½	36
Colorado.....	3,425	263.66	52.50	33.66	21.83	4,395.8	841.6	do.....do.....			2	79½	36
Brooklyn.....	2,070	223.00	43.00	22.66	15.6	2,532.0	551.0	do.....do.....			2	61	33

Principal screw war steamers of the United States navy—Continued.

Name of vessel.	Machinery designed by—	Dimensions of screw.				Kind of boiler.	Dimensions of boiler.		Indicated horse-power.		Speed per hour, in nautical miles.
		Diameter, in feet.	Pitch, in feet.	Number of blades.	Length, in feet.		Grate surface, in square feet.	Heating surface, in square feet.	Revolutions of the engines per minute.	Gross effective indicated horse-power.	
Lackawanna.....	B. F. Isherwood.....	15.00	16½ to 18½	4	1.75	Vertical water-tube....	273.00	8,950.0	70.00	1,304.1	12.00
Ticonderoga.....	do.....	15.00	16½ to 18½	4	1.75	do.....	273.00	8,950.0	70.00	1,304.1	12.00
Sacramento.....	do.....	15.00	16½ to 18½	4	1.75	do.....	273.00	8,950.0	70.00	1,304.1	12.00
Shenandoah.....	do.....	15.00	16½ to 18½	4	1.75	do.....	273.00	8,950.0	70.00	1,304.1	12.00
Monongahela.....	do.....	15.00	16½ to 18½	4	1.75	do.....	273.00	8,950.0	70.00	1,304.1	12.00
Adirondack and Juniata.....	do.....	14.25	16½ to 18½	2	3.50	do.....	273.00	8,950.0	70.00	1,304.1	12.00
Ossipee and Housatonic.....	do.....	15.00	16½ to 18½	4	1.75	do.....	273.00	8,950.0	70.00	1,304.1	12.00
Canandaigua.....	do.....	15.00	16½ to 18½	4	1.75	do.....	273.00	8,950.0	70.00	1,304.1	12.00
Nipsic, Shawmut, and Nyack.....	do.....	11.00	14 to 16	4	1.50	do.....	198.00	4,950.0	82.00	670.0	12.50
Sagamore, Huron, Cayuga, Chipewewa, Aroostook, Chocoma, Itasca, Kanawha, Katahdin, Kennebec, Kineo, Marblehead, Owasco, Pe-nobscot, Pinola, Sciota, Tahoma, Wissahickon, Winona.....	do.....	9.00	11½ to 13½	4	1.25	do.....	88 5-6	2,700.0	87.00	400.0	10.00
Iroquois.....	Pease & Murphy, New York.....	12.16	19.00	2	3.00	Vertical water-tube....	270.75	8,660.0	77.00	813.0	11.70
Wyoming.....	Merrick & Son, Philadelphia.....	12.25	19.00	4	2.50	do.....	239.00	7,890.0	73.5	717.0	11.20
Mohican.....	Woodruff & Beach, Hartford, Conn.....	12.50	19.00	2	2.75	do.....	274.58	8,700.0	77.00	822.0	11.80
Kearsarge.....	do.....	12.75	19.00	4	2.50	do.....	239.00	7,890.0	73.5	822.0	11.20
Oneida.....	Pease & Murphy, New York.....	12.75	19.00	4	2.50	do.....	270.75	8,660.0	77.00	813.0	11.70
Wachusett.....	Morgan Iron Works, New York.....	12.75	19.00	4	2.50	do.....	239.00	7,830.0	73.5	717.0	11.20
Dacotah.....	Hazlehurst & Co., Baltimore.....	12.50	17 to 19	3	2.16	Horizontal fire-tube....	260.75	6,873.0	36.00	873.0	12.00
Tuscarora.....	Merrick & Son, Philadelphia.....	12.75	19.00	4	2.50	Vertical water-tube....	239.00	7,890.0	73.5	717.0	11.20
Lancaster.....	Reany, Neafe & Co., Philadelphia.....	15.50	24.75	2	3.00	do.....	294.00	9,040.0	44.00	810.0	9.50
Hartford.....	Harrison Loring, Boston.....	14.00	25.00	2	3.60	do.....	253.00	7,600.0	44.00	696.0	9.50
Richmond.....	Samuel Archbold.....	14.00	25 to 28	2	3.50	do.....	253.00	7,600.0	40.00	450.0	7.50
San Jacinto.....	Merrick & Son, Philadelphia.....	15.00	22.5	3	2.66	Return drop-flue.....	198.00	5,250.0	20.00	550.0	8.50
Wabash.....	do.....	17.33	23.00	2	3.50	Vertical water-tube....	338.33	11,852.8	49.3	1,038.8	9.11
Minnesota.....	D. B. Martin.....	17.33	23.00	2	3.50	do.....	333.5	12,537.0	46.7	972.5	8.87
Roanoke.....	Tredegar Iron Works.....	17.33	23.00	2	3.50	do.....	333.5	12,537.0	48.00	996.8	8.83
Colorado.....	do.....	17.33	23.00	2	3.50	do.....	333.5	12,537.0	48.00	996.8	8.83
Brooklyn.....	Pease, Murphy & Co.....	14.5	24.7	2	3.00	do.....	250.2	7,788.0	51.00	705.6	9.19

MARINE ENGINES.

Name of vessel.	Dimensions of vessel.						Kind of engines.	Dimensions of engines.		
	Measurement tonnage.	Length on load water-line between rabbets of stem and stern-post, in feet.	Breadth on load water-line, in feet.	Depth of hold, in feet.	Load draught of water, in feet.	Displacement, in tons.		Area of greatest immersed transverse section in square ft.	Number of cylinders.	Diameter of cylinders, in inches.
Conemaugh.....	.....	232.00	35.00	12.25	8.50	1,105	258.0	1	48	84
Cimarron.....	.....	217.50	36.00	11.50	7.33	993	238.0	1	48	84
Maratanza.....	.....	207.00	32.92	12.00	9.33	.....	280.0	1	44	84
Mahaska.....	.....	225.33	33.83	11.25	8.50	1,070	252.0	1	44	84
Port Royal.....	.....	207.00	35.00	11.50	8.50	1,163	268.0	1	48	84
Paul Jones.....	.....	216.83	35.33	11.75	8.30	1,210	263.0	1	48	84
Genesee.....	.....	207.00	34.92	12.25	8.50	1,120	260.0	1	48	84
Sonoma.....	.....	232.00	35.00	12.25	8.50	1,105	258.0	1	48	84
Tioga.....	.....	207.00	36.92	12.50	8.50	1,120	260.0	1	48	84
Sabago.....	.....	225.33	33.83	11.25	8.50	1,070	252.0	1	44	84
Octorora.....	.....	205.00	34.50	12.00	8.50	981	240.0	1	44	84
Ascutney, Agawam, Chenango, Chicopee, Eutaw, Iosco, Lenapee, Pontiac, Patuxet, Mattabesett, Mingo, Massasoit, Metacomet, Mendota, Mackinaw, Otsego, Pontoosac, Tacony, Sassacus, Shamrock, Tallapoosa, Wateree, Wyalusing, Osceola.	973	240.00	35.00	12.00	7.60	1,173	232.0	1	58	105
Powhatan.....	2,419	250.00	45.00	26.50	18.50	3,535	675.0	2	70	120
Mississippi.....	1,692	223.00	40.00	23.50	20.12	3,022	651.3	2	75	84
Saranac.....	1,446	210.00	38.00	23.50	17.00	2,202	486.5	2	60	108
Susquehanna.....	2,450	250.00	45.00	26.50	18.50	3,550	684.0	2	70	120

Principal screw steamers of the British navy.

Name of vessel.	Machinery designed by—	Dimensions of screw.				Kind of boiler.	Dimensions of boiler.		Indicated horse-power.		Speed per hour, in nautical miles.	Dimensions of vessel.							Kind of engines.	Dimensions of engines.			
		Diameter, in feet.	Pitch, in feet.	Number of blades.	Length, in feet.		Grate surface, in square ft.	Heating surface, in square feet.	Revolutions of the engines per minute.	Gross effective indicated horse-power.		Measurement tonnage.	Length on load water-line and sternpost, in feet.	Breadth on load water-line, in feet.	Depth of hold, in feet.	Load draught of water, in feet.	Displacement, in tons.	Area of greatest immersed transverse section, in sq. feet.		Number of cylinders.	Diameter of cylinders, in inches.	Stroke of piston, in inches.	
Rattler.....	Maudslay..	10.0	11.00	..	1.25	.....	544	14,232	26.04	470.7	9.65	888	176.5	32.68	..	11.50	975	302.0	Vertical.....	Vertical.....	4	40.1	48
Diadem.....	.....	18.0	32.52	2	3.58	Tubular.....	544	14,400	51.96	2363.5	11.83	.....	240.0	48.00	..	19.80	3,880	760.0	Horizontal.....	Horizontal.....	2	82.0	48
Doris.....	.....	19.8	30.0	2	4.26	do.....	544	14,400	51.49	2333.1	12.04	.....	.....	47.60	..	19.11	.....	759.0	Trunk.....	Trunk.....	2	82.0	48
Mersey.....	.....	20.0	29.21	2	4.26	do.....	680	17,950	55.25	4044.0	13.29	.....	300.0	52.00	..	21.11	5,462	886.0	Horizontal.....	Horizontal.....	2	92.0	48
Marlborough..	.....	19.0	27.33	2	3.50	do.....	544	14,232	51.87	2634.3	10.57	.....	.....	.....	..	25.11	6,065	1193.0	do.....	do.....	2	92.0	48
Orlando.....	.....	22.0	32.50	2	4.50	do.....	680	18,160	51.50	3804.0	13.80	.....	.....	50.50	..	22.75	.....	805.0	Trunk.....	Trunk.....	2	92.5	48
Renown.....	.....	19.0	28.00	2	3.50	do.....	544	14,400	50.18	2879.8	11.33	.....	.....	53.50	..	21.96	.....	1034.0	do.....	do.....	2	82.0	48
Algerine.....	.....	6.5	8.00	2	1.33	Cylindrical tubular.	30	1,500	158.00	293.9	9.30	.....	125.0	23.00	..	8.15	.....	.....	Horizontal.....	Horizontal.....	2	18.0	18
Bullfinch.....	.....	6.2	6.53	2	1.33	do.....	34.2	1,116	178.70	221.3	7.91	.....	.....	26.50	..	6.7	.....	144.0	Trunk.....	Trunk.....	2	18.0	12
Flying Fish.....	.....	13.1	20.50	2	.....	Tubular.....	247	6,890	81.80	1159.9	11.17	.....	200.0	32.16	..	11.6	.....	.....	Direct-acting.....	Direct-acting.....	2	58.0	27
Industry.....	.....	9.0	11.60	2	1.40	do.....	60	1,429	39.0	284.5	8.21	.....	.....	.....	..	13.8	.....	.....	Oscillating geared.....	Oscillating geared.....	2	36.5	27
Leven.....	.....	6.5	8.00	2	1.33	Cylindrical tubular.	40	1,500	156.0	299.2	9.27	.....	125.0	23.0	..	8.2	.....	.....	Horizontal non-condensing.	Horizontal non-condensing.	2	18.0	18
Lee.....	.....	6.5	8.00	2	1.33	do.....	40	1,500	154.0	303.3	9.21	.....	125.0	23.0	..	8.1	.....	.....	.....do.....	do.....	2	18.0	18
Slaney.....	.....	6.5	8.00	2	1.33	do.....	40	1,500	155.0	299.4	9.35	.....	125.0	23.0	..	8.1	.....	.....	.....do.....	do.....	2	18.0	18
Ajax.....	Maudslay..	16.0	20.00	2	3.33	.....	.....	.....	42.0	878.7	6.45	1,761	176.0	46.5	..	21.33	2,828	750.0	Horizontal.....	Horizontal.....	4	55.0	30
Amphion.....	Miller.....	15.0	21.00	2	2.50	.....	.....	.....	45.0	592.2	6.75	1,474	177.0	43.1	..	19.0	2,025	546.0	do.....	do.....	2	48.0	48
Archer.....	do.....	9.0	7.75	2	1.33	.....	.....	.....	36.1	345.0	7.81	970	180.0	33.4	..	14.1	1,238	372.0	do.....	do.....	2	46.0	36
Arrogant.....	Penn.....	15.5	15.00	2	2.50	.....	.....	.....	55.5	623.3	8.29	1,872	200.0	45.6	..	18.83	2,444	580.0	Horizontal trunk.....	Horizontal trunk.....	2	55.0	36
Bee.....	Maudslay..	3.08	3.75	2	.....	.....	.....	.....	48.0	.....	6.82	43	63.0	12.1	..	3.48	33	28.0	Beam.....	Beam.....	1	20.0	24
Blenheim.....	Seaward..	16.0	20.00	2	3.33	.....	.....	.....	43.0	938.3	5.81	1,832	181.2	48.5	..	21.08	2,790	738.0	Horizontal.....	Horizontal.....	4	52.0	36
Conflict.....	do.....	13.5	16.50	2	2.75	.....	.....	.....	68.0	777.2	9.28	1,038	192.5	34.3	..	14.50	1,443	402.0	do.....	do.....	4	46.0	24
Fairy.....	Penn.....	6.1	8.00	2	1.33	.....	.....	.....	51.5	363.8	13.32	312	144.6	21.1	..	14.83	168	71.5	Vertical oscillating.....	Vertical oscillating.....	2	42.0	36
Greenock.....	Scott.....	14.0	13.00	2	2.16	.....	.....	.....	32.0	719.3	9.59	1,418	213.0	37.4	..	14.16	1,835	419.0	Horizontal.....	Horizontal.....	2	71.0	48
Dauntless.....	Napier.....	14.7	16.33	2	2.83	.....	.....	.....	30.0	1218.0	10.29	1,569	218.0	39.7	..	16.33	2,251	522.0	do.....	do.....	2	84.0	48
Desperate.....	Maudslay..	13.0	14.00	2	2.33	.....	.....	.....	37.7	892.5	10.76	1,037	192.5	34.3	..	14.16	1,393	388.0	do.....	do.....	4	55.0	30
Dwarf.....	Rennie.....	5.6	8.00	2	1.00	.....	.....	.....	35.5	216.0	10.53	164	130.0	16.5	..	5.50	98	44.0	Vertical.....	Vertical.....	2	40.0	32
Hogue.....	Seaward..	16.0	21.08	2	3.16	.....	.....	.....	56.0	797.3	8.32	1,846	184.0	48.4	..	22.50	3,081	805.0	Horizontal.....	Horizontal.....	4	51.2	36
Encounter.....	Penn.....	12.0	15.00	2	2.50	.....	.....	.....	78.0	672.7	10.25	953	190.0	33.2	..	11.75	1,192	318.0	Horizontal trunk.....	Horizontal trunk.....	2	55.0	27

Principal screw steamers of the British navy—Continued.

Name of vessel.	Machinery designed by—	Dimensions of screw.				Kind of boiler.	Dimensions of boiler.		Indicated horse-power.		Speed per hour, in nautical miles.	Dimensions of vessel.							Kind of engines.	Dimensions of engines.		
		Diameter, in feet.	Pitch, in feet.	Number of blades.	Length, in feet.		Grate surface, in square ft.	Heating surface, in square feet.	Revolutions of the engines per minute.	Gross effective indicated horse-power.		Measurement tonnage.	Length on load water-line between rabbets of stem and sternpost, in feet.	Breadth on load water-line, in feet.	Depth of hold, in feet.	Load draught of water, in feet.	Displacement, in tons.	Area of greatest immersed transverse section, in sq. feet.		Number of cylinders.	Diameter of cylinders, in inches.	Stroke of piston, in inches.
Horatio	Seaward ..	14.0	13.00	2	2.16	.....	.....	41.2	553.1	8.85	1,090	154.2	40.1	..	15.35	1,175	391.0	Horizontal	Horizontal	2	54.0	36
Megara	Rennie	13.2	16.00	2	2.70	.....	.....	74.2	925.7	10.24	1,395	207.0	13.8	..	13.25	1,554	383.0	do	do	4	49.5	24
Niger	Maudslay..	12.5	17.35	2	2.50	.....	.....	68.8	827.8	9.49	1,072	194.3	34.6	..	14.83	1,362	403.0	do	do	4	47.6	22
Phoenix	Penn	11.9	9.66	2	1.58	.....	.....	24.0	488.9	8.74	809	174.7	31.9	..	13.08	1,140	327.0	Vertical oscillating.	Vertical oscillating.	2	62.0	54
Plumper	Miller	9.0	7.00	2	1.16	.....	.....	46.0	148.1	7.41	490	140.0	27.5	..	10.91	539	204.0	do	do	2	27.0	24
Reynard	Rennie	8.75	8.00	2	1.33	.....	.....	54.4	164.7	8.23	516	147.6	27.9	..	9.50	478	184.0	Horizontal	Horizontal	2	28.0	24
Rifleman	Miller	8.0	9.00	2	1.50	.....	.....	43.0	366.9	9.49	486	150.0	26.5	..	9.25	484	173.0	do	do	2	46.0	36
Sharpshooter ..	do	8.0	9.00	2	1.50	.....	.....	46.9	408.1	9.78	504	150.0	26.58	..	9.16	505	192.0	do	do	2	46.0	36
Simoom	Watt .....	.....	.....	.....	.....	.....	.....	52.5	548.2	8.74	1,980	246.0	41.0	..	16.62	2,700	555.0	Horizon'l oscillating	Horizon'l oscillating	4	44.0	30
Teazer	Penn	5.0	7.00	2	1.16	.....	.....	51.5	128.2	7.68	1,296	130.0	21.7	..	5.25	205	82.9	Vertical oscillating.	Vertical oscillating.	2	27.0	30
Termagant	Seaward ..	15.5	18.00	2	3.00	.....	.....	36.5	1351.1	9.51	1,547	210.0	40.5	..	17.08	2,403	587.0	Horizontal	Horizontal	4	62.0	42
Vulcan	Rennie	14.0	16.50	2	2.75	.....	.....	66.5	793.0	9.60	1,764	320.0	41.4	..	15.50	2,076	465.0	do	do	4	49.5	24

REPORT OF A TRIAL TRIP MADE BY THE UNITED STATES NAVAL STEAMER EUTAW, ON THE POTOMAC, JANUARY 30, 1864.

To the Hon. ALEXANDER H. RICE, *Chairman Naval Committee, H. R., 38th Congress U. S.:*

I have the honor to submit to you the following report: In accordance with your instructions, I attended the trial trip of the steamer Eutaw. The vessel started from the Washington navy yard, and ran down to Alexandria; and from that time until she returned to Washington I paid close attention to the operations of all parts of the machinery, and to all that was done in the engine-room and fire-room. The fire-room floor was cleared of coal before the vessel reached Alexandria, and I found that arrangements were made to ascertain the weight of all the coal that was to be consumed. Also, to record the pressure of the steam; the amount of vacuum; the revolutions of the engine; and to take indicator diagrams from each end of the cylinder every fifteen minutes. These arrangements I found to be complete, and, from personal observation, I know that they were recorded with great accuracy.

Before giving an account of the trial, I will first give a statement of the dimensions of the principal parts of the vessel and machinery.

DIMENSIONS OF HULL.

The Eutaw is 240 feet long on the water-line, 35 feet beam, and 12 feet depth of hold. Her armament consists of two large pivot guns. On this trial trip the after gun was on board, but the forward gun was not. Part of her stores were on board, and about one-half her coal. Her draught of water was seven feet two inches aft, and six feet five inches forward.

DIMENSIONS OF ENGINE.

The engine is a single inclined engine of 58 inches diameter of bore of cylinder and 8 feet 9 inches stroke of piston, fitted with balanced poppet valves, operated by toes on rock-shafts; the rock-shafts for the steam valves being operated by one eccentric, and the rock-shafts for the exhaust valves by another; the arrangement being that which is known as "Stevens's cut-off."

The condenser is a surface condenser made on Sewell's patent. The air-pump is horizontal, 31 inches diameter and 52 inches stroke; one end of it being used as the air-pump, and the other end being used as the pump to circulate the water through the surface condenser. The air-pump is worked from a rock-shaft which receives its motion from the main cross-head. The same rock-shaft gives motion to two pumps; one of these pumps is used to feed the boilers, and the other for pumping out the bilge; but if required, both pumps can be turned on to feed the boilers.

The piston is attached to the cross-head by two piston-rods, by which arrangement the connecting-rod has only one journal on the middle of the cross-head. The connecting-rod is 17 feet 6 inches long between centres. The end of the connecting-rod, at the crank-pin, has a ball and socket joint. The end of the crank-pin, in the drag-crank, is ball-shaped. The eye of the drag-crank is bushed with brasses, in four pieces, fitted to the shape of the ball end of the crank-pin, and each brass is supplied with a key for taking up the wear. The brasses of the crank-shaft journals are in four pieces, so that the wear can be taken up in both ways. The outboard end of the shafts are supported on the gunwale of the vessel, the paddle-wheels being over-hung.

PADDLE-WHEELS.

The paddle-wheels are 26 feet diameter over the paddles. The paddles are 9 feet long and 16 inches wide, and twenty-four in each wheel. The dip of the paddles on the trip was 42 inches.

ENGINE FRAME

The frame which supports the engine is made of yellow pine, 22 inches into 16 inches, the lower end resting on the keelsons, a large block being fitted into the angle of the keelson and frame. The upper end is supported by a vertical timber, 16 inches into 20 inches, placed below the main pillar blocks. The vertical timbers are secured to each other by a cross timber below the sweep of the cranks. The whole are secured to each other and to the keelsons and deck-beams by oak knees.

BOILERS.

There are two boilers, made according to Martin's patent. Each boiler has five furnaces; one furnace in each boiler is used for superheating the steam. Each furnace is about 38 inches wide and 6 feet 8 inches long, and contains in the aggregate 200 square feet. Each boiler is 18 feet wide, $9\frac{1}{2}$ feet high, and 10 feet 9 inches long at furnaces. Each boiler has a steam chimney, which meet together under the stove-pipe, the two forming one cylinder. They are 2 feet 9 inches higher.

STEAM-PIPES.

Steam-pipes go from the steam chimneys to the superheating apparatus, and from them to the main steam-pipe which supplies the cylinder; there is also connexion direct from the steam chimneys to the main steam-pipes; the arrangement being such that all of the steam can go from the steam chimneys to the superheating apparatus, or it can all go direct from the steam chimneys to the engine, or it can be mixed; that is, superheated steam can be mixed with saturated steam, and the engine supplied with the mixture.

BLOWERS.

Each boiler has a Dimphel blower, No. 42. Each blower is driven by a Sewell steam-pump engine, which can be used to drive the blower or operate the steam-pump.

I now proceed to give a statement of the facts observed and recorded of the performance of the vessel on this trip, and first I will state what was learned as to the speed of the vessel.

SPEED OF VESSEL.

On a run down the Potomac, from the Alexandria light-house to a point down the river $20\frac{3}{4}$ nautical miles, made with slack water, the time was one hour and thirty-six minutes, making the speed 13 nautical miles per hour, during which the average revolutions of the engine was 21.1 per minute. The distance from the Alexandria light-house to the point below is according to the coast survey, and was given by its agent, Mr. Paterson, who was on board of the vessel for this purpose.

The return between the same points was made against the ebb tide of unknown strength. The revolutions of the engines averaged $23\frac{1}{4}$ per minute, which would make the speed through the water 14.307 nautical miles per hour. It is to be observed that the distance run was not in a straight line, but in a circuitous course, the vessel requiring to be frequently sheered about, which to some extent diminished her speed. With a small estimated correction for this, the vessel's speed would be $14\frac{1}{2}$ nautical miles per hour. This speed was made without any unusual effort, the blowers being run moderately, and the fire-room being cool; and after the fires were made up the labor of the firemen was light.

Engine-room record.—The following is a statement of the facts logged in the engine-room, and which, from personal observation, I know to be correct:

Revolutions.—Revolutions of the engine from 11 o'clock a. m. to 3 o'clock p. m., 5,318, which gives $5,318 \div 4 \times 60 = 22.148$ revolutions per minute as the average number of revolutions made in four hours, as taken from the engine counter.

Coal.—The coal consumed in the same time, viz., four hours, was 14,480 lbs., which gives an average of $(14,480 \div 4 =) 3,620$ pounds per hour.

Steam and vacuum.—Pressure of steam averaged about 45 lbs. per square inch above atmospheric pressure. The vacuum in the condenser was 27.5 inches. The throttle valve was carried full open.

Temperature.—The temperature on deck was 43° ; in engine-room 79° ; of injection water 44° ; of discharge-water, average 66.5° ; of feed-water, average 91.5° ; mixed steam, average 344° ; superheated steam, average 342.5° ; saturated steam, average 303.75° .

Power.—Indicator diagrams were taken from each end of the cylinder every fifteen minutes; 28 of these cards are now in my possession, and will be forwarded to you with this report. The highest number of revolutions recorded on any of these diagrams is $24\frac{1}{2}$, and the lowest number is 22, and an average of all the diagrams would give $23\frac{1}{2}$. This is a greater number of revolutions than the average by the counter, which is 22.158. The difference arises from four causes. First, sailing part of the time in shoal water; second, sheering the vessel about in following the channel of the river; third, turning round, about to return; and fourth, slowing down twice to prevent collisions with other vessels in the river. Each of these causes at times reduced the revolutions, and the first three causes reduced the revolutions while the pressure of the steam in the cylinder was not reduced.

To compute the average of the power exerted, I have selected two cards, marked A; one from the upper and one from the lower end of the cylinder. By referring to the cards you will observe that they were taken at 12.15 o'clock p. m., on the down trip. The revolutions are $23\frac{1}{2}$ per minute; pressure of steam on boilers 45 lbs.; throttle valve full open; vacuum per gauge $27\frac{1}{2}$ inches; temperature of hot well 80° . The calculated power from this diagram is as follows: $58^2 \times 7,854 - 5.5^2 \times 7,854 = 2618.33$ the area of the piston, less the area of one piston rod, in square inches. $23.5 \times 17.5 = 411.25$ the velocity of the piston in feet per minute $(43.13 + 49.727) \div 2 = 46.428$ mean pressure of the two cards marked A, in pounds per square inch.

Average horse-power.—33,000 pounds, the measure of a horse power, in pounds, raised one foot high per minute, then

Area. Velocity. Pressure.
 $(2,618.33 \times 411.25 \times 46.428) \div 33000 = 1514.943$, which is the horse-power of the average card marked A.

Coal per hour per horse-power.—Dividing the coal consumed per hour by the horse-power, then $3,620 \div 1,514.943 = 2.323$, which is the pounds of coal per hour per horse-power.

Coal per foot of grate.—Dividing the coal consumed per hour by the grate surface, then $3,620 \div 200 = 18.1$, which is the pounds of coal consumed per hour per square foot of grate-bar surface.

Remarks on what I saw of the operation of the engine.—The boilers made an abundant supply of steam, with the blowers running moderately, the average revolutions of the blowers being about 365 per minute. There was no difficulty in keeping up the steam to 50 pounds per square inch, as it was kept at this pressure for some time with the engine working full open. The water in the boilers was free from foaming. I made frequent observations on the glass water gauges, but neither on them nor in any other way did I discover any indication of priming. During the trip I saw no indications of weakness or want of strength. All my observations showed the boilers to be tight and stanch. I found the boilers had a greater amount of grate surface than is

usual on side-wheel steamers, with the same size of engine. The consumption of coal per hour per square foot of grate bar was 18.1. If the grate surface had been less, the consumption of coal per square foot per hour would have been more, and from 36 pounds to 50 pounds is usual on steamers on Long Island sound; the Empire State, of the Fall River line, burning 9,000 pounds per hour on a grate surface of 168 square feet, being at the rate of 53 pounds per square foot of grate surface. Economy of fuel and durability of boilers are insured when the rate is kept below 20 pounds, and on steamers it seldom goes below 12 pounds when going at usual running speed. The large amount of grate surface in the boilers of the Eutaw is a source of economy. It is usual on commercial vessels of the class of the Eutaw to have steam chimneys on the boilers from 8 feet to 12 feet high. In a naval vessel this is left off. On the Eutaw, this deficiency is supplied by a super-heating apparatus. It is a great loss for a vessel to be without a steam chimney, and the Eutaw is the first vessel that I have been on board of that had in operation a successful apparatus for supplying this want, and what I saw of the operation of this super-heating apparatus was good and efficient. No difficulty was observed in the passage of the steam to or through the apparatus. There was no indication of water entering the cylinder; no deficiency or inconvenience was observable in the performance or operation of the boilers; these were good in every respect.

The general plan and design of the engine is one which has been and is frequently used for side-wheel steamers. For steamers on or near the Atlantic coast, it has been the practice of engineers that, when a beam was not used, then an inclined engine of similar plan to that in the Eutaw was adopted. The frame of the engine of the Eutaw is made of wood, which is the general practice. The frames of some inclined engines in steamers have been made of plate-iron, and iron framing is generally considered to be superior to wooden framing; but iron framing for inclined engines having to spread so much along the vessel, it was found that this combination was not homogeneous; and while the framing injured the vessel, the vessel broke or worked the framing loose. On the trial trip I observed no working of any part of the framing of the engine; there was the natural elasticity of the structure of the hull and frame, but I discovered no working or tendency to working of either. By working, I mean when two or more pieces of material are fastened together and subjected to a strain; if one piece separates from another, or if one piece slides on another, then the structure is said to work, that is, work loose. Working loose may proceed from two causes, a deficiency of material or a deficiency of fastening. In the framing and fastening of the engine to the frame I discovered no defect in either—both were staunch; that is, kept well to their places. Steam and exhaust pipes of side-wheel steamers are now made larger than they have been. These pipes on the Eutaw I found were of as large proportions to the size of the engine as any I know of. The valves were opened and closed by the valve gear with regularity and without strain. The piston moved up and down in the cylinder without any noise, and I could discover no indication of cutting or undue friction. The journals on the cross-head, crank-pin, shafts, and all the connexions, worked cool; and although they were frequently examined by myself, at no time did I discover any heat or tendency to heat on any of those. And when the vessel returned to Washington, and she was stopped, I found the journals were as cool as when we started. On those journals nothing but oil was used for lubrication. A short time after the vessel started one of the slides of the main cross-head got hot, and had to be cooled off by water from the hose of the steam-pump; it continued to work warm for some time, and had to be cooled at intervals. On the return the heating disappeared, and it worked better. The side of the slide which heated was the upper side, and this is the side which receives the strain of the cross-head when the engine is going ahead. The heating may have been caused by defective material or workmanship, or inade-

quate wearing surface of the brass gibs, or by set-screws which were in the jaws of the cross-head having been screwed down on the brass. If it was considered necessary to do anything to prevent a recurrence of this heating, the wearing surface can easily be increased and set-screws removed; the cost would not probably exceed three hundred dollars, and the work could be got out in the workshops and fitted on board in less than six hours. Of course this could be done if the vessel was on duty, or the work could be got out and sent on board of the vessel, and then it could be put on by the engineer at a convenient time, if it was found necessary.

The only novelties I observed about the shafts or connexions was the ball and socket joint at the upper end of the connecting-rod, and the ball-shaped end of the crank-pin, with its brass bushes and keys. The engine worked very smooth—passed the centres without any jar or halt. The paddle-wheels turned with as uniform a velocity as any single-engine side-wheel steamer I have ever seen; and this performance shows that there was no drawback from the introduction of these two novelties. I could not discover that the ball and socket joint contributed any to this; and I could discover no reason why the operation would not have been as good if they had been omitted. The ball end on the crank-pin, with its bushes and keys, I thought contributed very materially to the smooth working of the engine in allowing the crank-pin to be set up firm in the drag-crank and still have freedom to change position as the elasticity of the structure required. It showed itself to be an excellent device to insure the safe and smooth working of the engine when the journals wear and get out of line. The ball-end on the crank-pin is not new, nor is a bush new, nor are keys new; but it is the first time I have seen the combination of a ball-end crank-pin with bushes to fit the ball, and keys to set up the bushes, and this arrangement I consider to be superior to any other I have seen.

The air-pumps, circulating pumps, and feed-pumps work effectively, free from any water, hammering, or slamming of valves.

During a great part of the time on the trip the pressure of steam was 50 pounds per square inch, and the engine made $24\frac{1}{2}$ revolutions per minute, and during that time, and at no other time, could I discover any undue strain or stress on any part of the machinery; and that as long as the furnaces were supplied with coal and the engine was attended to, it would have continued to operate equally as well.

All of which is submitted by yours, most respectfully,

JOHN BAIRD,
Constructing Engineer.

STATE OF NEW YORK,

City and County of New York, ss:

On the 21st day of December, A. D. 1864, before me personally came John Baird, of the city of New York, constructing engineer, who being by me duly sworn, says that the foregoing report made by him is true in all respects to the best of his knowledge, information, and belief.

JOHN BAIRD.

Sworn to, before me, this 21st day of December, 1864.

A. D. RENTON,
Commissioner of Deeds.

COAST SURVEY OFFICE,
Washington, December 16, 1864.

DEAR SIR: Herewith I beg leave to enclose a copy of the report in regard to the speed of the United States steamer Eutaw in the trial trip, January 30, 1864, made by me to the Superintendent of the Coast Survey. Also a copy of the letter of the superintendent to you, dated February 2, 1864, transmitting a copy of the same report.

Very respectfully, your obedient servant,

C. P. PATTERSON,
Assistant, Coast Survey.

Hon. A. H. RICE,
Chairman Naval Committee House of Representatives.

UNITED STATES COAST SURVEY OFFICE,
February 2, 1864.

DEAR SIR: To complete the action requested in your letter of January 28, I take pleasure in transmitting the enclosed copy of a report by Captain Patterson, hydrographic inspector of the coast survey, showing the rates of speed of the United States steamer Eutaw during her late trial trip down the Potomac.

Respectfully and truly yours,

A. D. BACHE,
Superintendent.

Hon. A. H. RICE,
Chairman Naval Committee House of Representatives.

UNITED STATES STEAMER EUTAW,
Potomac River, January 30, 1864.

RUNNING DOWN.

Names of points, &c.	Bearing from com- pass.	Distances of vessels from points.	Time of passing and bearing.	Time between p'ts.	Distances between points.		Rates per hour.		Weather and cur- rent.
					Knots.	Stat. miles.	Knots.	Stat. miles.	
1. Alexandria light-house, (Jones's Point)	W.	Mile, 0.20	<i>h. m. s.</i> 11 12 05	<i>m. s.</i> 22 15					Wind moderate, N'd and E'd, (fair.) No current, being slack water at high water. Ebb current, 0.20 knot.
2. Fort Washington, (S.W. angle)	SE.	0.14	11 34 20	 20 27	4.75	5.51	12.78	14.83	
3. White House	W.	0.15	11 54 47	 13 13	4.67	5.42	13.70	16.00	
4. Hallowing Point	W.	0.36	12 08 00	 18 00	2.92	3.39	13.26	15.36	
5. Indian Head ravine	E. SE.	0.25	12 26 00	 22 00	4.00	4.65	13.33	15.46	
6. Chicamuxen Point	E. SE.	0.70	12 48 00	.....	5.00	5.80	13.64	15.82	

From the last rate a small deduction should be made for ebb current, say 1.5 knot.

	<i>h. m. s.</i>
Total time from Alexandria light-house (Jones's Point) to Chicamuxen Point ..	1 35 55
Total distance	21.34 knots, = 24.74 statute miles.
Average speed.....	13 35 knots, = 15.48 statute miles.

UNITED STATES STEAMER EUTAW,
Potomac River, January 30, 1864.
RUNNING UP.

Names of points, &c.	Time of passing.	Time between points.	Rate against current.		Rate with current added.		Rate of ebb current per hour, knot.	Weather.
			Knots.	Statute miles.	Knots.	Statute miles.		
	<i>h. m. s.</i>	<i>m. s.</i>						
6. Chicamuxen Point....	12 55 10	23 20						Wind moderate, N'd and E'd, (ahead.)
5. Indian Head ravine ...	1 18 20	19 25	12. 86	14. 92	13. 11	15. 22	0. 25	
4. Hallowing Point.....	1 37 45	15 15	12. 36	14. 33	12. 76	14. 80	0. 40	
3. White House	1 53 00	22 45	11. 49	13. 32	12. 09	14. 02	0. 60	
2. Fort Washington.....	2 15 45	23 25	11. 32	14. 28	13. 07	15. 15	0. 75	
1. Alexandria light-house.	2 39 10		12. 17	14. 11	12. 92	14. 98	0. 75	

Bearings and distances from, and distances between points, the same as before.

Total time up from Chicamuxen Point to Alexandria light-house....	<i>h. m. s.</i>
Average speed per hour against current.....	12. 29 knots, = 14. 25 statute miles.
Average speed per hour current added	12. 87 knots, = 14. 92 statute miles.
Total distance measured up and down	42. 67 knots, = 49. 50 statute miles.
Total time up and down	<i>h. m. s.</i> 3 20 05
Average speed up and down	13. 11 knots, = 14. 63 statute miles.
Greatest speed.....	13. 70 knots, = 16. 00 statute miles.
Least speed	12. 09 knots, = 14. 00 statute miles.

DECEMBER 15, 1864.
C. P. PATTERSON,
Assistant Coast Survey.

COAST SURVEY OFFICE, January 30, 1864.

Mr. E. N. Dickerson handed to the committee the following:

Questions to be propounded to the Academy of Sciences, in conformity with the resolution of the House of Representatives, January 7, 1864, referring to the Committee on Naval Affairs certain questions therein stated.

First. What is the ascertained law under which steam is used in transmitting the power of heat from the furnace to the work to be done by means of a steam-engine?

Second. What is the ratio of gain in power between using steam to drive a steam-engine without expansion, and using it with different rates of expansion—from one to ten expansions?

Third. Is there any reason in the nature of the problem, or known to you, why a steam-engine with tight valves and piston, and with a practically instantaneous cut-off, should not realize all the advantages practically of the law of expansion?

Fourth. Examine the book entitled “Experimental Researches in Steam Engineering by Chief Engineer B. F. Isherwood,” and more especially the essay on the “application of the law of Mariotte to vapors and gases,” (p. 137 *et seq.*) and state whether any of the reasons there assigned against the applicability of that law to the case of a steam-engine are well founded.

Fifth. Examine the report of experiments made by the board of United States naval engineers to determine “the relative economy of using steam with different measures of expansion,” (p. 89 *et seq.*) and say whether the facts stated in that report justify the conclusions drawn from them.

Also, point out whether any erroneous charges are made in the title of that report by which the conclusions are aided.

Also, state what are the true conclusions to be drawn from the disappearance of steam between the boilers and condenser in that engine in regard to the condition of the engine itself, or the applicability of the law of Mariotte to a steam-engine.

Also, whether that experiment was so tried as to fairly bring into comparison the relative values of working steam with and without expansion.

Sixth. Examine the table on page XVIII of that book, and the article which accompanies and explains it, and say whether the deductions made in that table from the results which would have been produced, had the law of Mariotte been assumed as the true basis for a calculation, are justified by any theory or knowledge in the work known to you; specifically point out wherein this table agrees with or differs from the established laws in this respect, (if you find that it does differ from them.)

Also, compare this table with the experimental tables of the Lake Erie experiment above referred to, and say whether its assumptions are justified by the facts said to be experimentally ascertained by that experiment, and collected in those tables.

Also, whether the assumptions in that table are in accordance with, or in opposition to, the experiments of Regnault, as stated in the same volume (p. 125.

ANSWER IN REGARD TO STEAM EXPANSION, ETC.

The following was handed to the chairman of the committee by Professor Louis Agassiz, in reply to the interrogatories sent to the National Academy of Sciences, by the committee:

The discrepancies between theoretic deductions and the results of practice are such as to render it of the highest importance that the laws which govern these results should be experimentally determined by long-continued trial under widely varying conditions.

There is now in progress a series of experiments at the Novelty Works in New York, conducted by a joint commission appointed by the Navy Department, the National Academy of Sciences, and the Franklin Institute. The object of these experiments is to determine exactly what is the amount of advantage practically gained by employing steam expansively.

The pressure of expanding air is not governed by the law of Mariotte, much less that of steam.

It would be inconsistent with the admission practically made by the academy, in entering upon this investigation, that the subject is one involved in difficulties which theory, in its present is inadequate to solve, to pronounce categorically upon the questions submitted by Mr. Rice, while the investigation is still pending.

In regard to the book and report referred to in the questions, it would require some time to examine them with such care as to justify the expression of the opinions asked for; and such opinions would probably be of less value than the results, which will soon be reached in the course of the experiments above mentioned.

BUREAU OF FREEDMEN'S AFFAIRS.

FEBRUARY 2, 1865.—Ordered to be printed, and the further consideration postponed one week.

Mr. ELIOT, from the Committee of Conference on the part of the House, made the following

REPORT.

The Committee of Conference on the disagreeing votes of the two houses on the bill (H. R. 51) entitled "An act to establish a Bureau of Freedmen's Affairs," having met, after full and free conference have agreed, to recommend to their respective houses as follows:

That the Senate recede from their amendment to the said bill, and the committee agree to the following as a substitute:

AN ACT to establish a department of freedmen and abandoned lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established at the seat of government of the United States a department of freedmen and abandoned lands, whose object shall be the good of the freedmen, and the administration of lands and other property falling to the national government in the rebel States, not heretofore appropriated to other uses. And this department shall be under the care of a commissioner, who shall be appointed by the President, by and with the advice and consent of the Senate, with an annual salary of four thousand dollars.

SEC. 2. *And be it further enacted,* That the Commissioner of Freedmen and Abandoned Lands shall appoint a chief clerk with an annual salary of two thousand dollars, who shall act as disbursing officer, and who in all cases during the necessary absence of the commissioner, or when the principal office shall become vacant, shall perform the duties of commissioner; and also such number of clerks, not exceeding two of each class, as shall be necessary. And the commissioner and all persons appointed under this act shall, before entering upon their duties, take the oath of office prescribed in an act entitled "An act to prescribe an oath of office and for other purposes," approved July 2, 1862. And the commissioner and the chief clerk shall, before entering upon their duties, give bonds to the Treasurer of the United States, the former in the sum of one hundred thousand dollars, and the latter in the sum of ten thousand dollars, conditioned for the faithful discharge of their duties respectively, with securities to be approved as sufficient by the Attorney General, which bonds shall be filed in the office of the First Comptroller of the Treasury, to be by him put in suit for the benefit of any injured party upon any breach of the conditions thereof.

SEC. 3. *And be it further enacted,* That the commissioners shall, under the direction of the President, create districts of freedmen and abandoned lands

within the rebel States, not to exceed two in each State, so far as the same may be brought under the military power of the United States; and each district shall be under the supervision of an assistant commissioner, with an annual salary of twenty-five hundred dollars, under bond, as required for the chief clerk, to be appointed by the President of the United States, with the advice and consent of the Senate, and with authority to appoint local superintendents and clerks, so far as the same may be needed, not, however, more than four in each district, each of whom shall have an annual compensation not exceeding fifteen hundred dollars.

SEC. 4. *And be it further enacted*, That the commissioner shall have the general superintendence of all freedmen throughout the several districts, and he shall watch over the execution of all laws, proclamations, and military orders of emancipation, or in any way concerning freedmen; and he shall establish regulations, from time to time, and cause the same to be enforced for their needful and judicious treatment, protecting them in the enjoyment of their rights, promoting their welfare, and securing to them and their posterity the blessings of liberty. And every such freedman shall be treated in all respects as a free man, with all proper remedies in courts of justice, and no power or control shall be exercised with regard to him except in conformity with law.

SEC. 5. *And be it further enacted*, That the assistant commissioners, under the direction of the commissioner, and within their respective districts, shall take possession of all abandoned real estate belonging to disloyal persons, and all real estate to which the United States have title, or of which the United States have possession, and not already appropriated to government uses, and all property found on and belonging to such estate; and shall rent or lease such real estate, or any portion thereof, to freedmen, or permit the same to be cultivated, used, or occupied by them on such terms and under such regulations as the assistant commissioner and such freedmen may agree; and if the lands, with the property aforesaid, shall not be required for the freedmen, then they shall rent or lease the same to other persons on such terms, and under such regulations, as shall be mutually agreed upon; and no freedmen shall be employed on any estate above mentioned otherwise than according to voluntary contract, reduced to writing and certified by the assistant commissioner or local superintendent: *Provided*, That no lease, permission to occupy, or contract, shall be for a longer period than one year; and all papers required or authorized by this act shall remain valid and effectual, although no revenue stamp is attached thereto; but nothing herein contained shall be construed to prevent the due execution of process against the real estate or property above named, issued in due course of law from any court of competent jurisdiction, but the possession of such real estate or property, by any purchaser thereof at a judicial sale, shall be postponed until the termination of any outstanding contract duly made and executed under the provisions of this act.

SEC. 6. *And be it further enacted*, That the assistant commissioners and local superintendents shall, as advisory guardians, aid the freedmen in the adjustment of their wages, or in the application of their labor; that they shall take care that the freedmen do not suffer from ill treatment, or any failure of contract on the part of others; that they shall do what they can as arbitrators to reconcile and settle any differences in which freedmen may be involved with each other, or with other persons; and in case such differences are carried before any tribunal, civil or military, they shall appear as next friends of the freedmen, so far as to see that the case is fairly stated and heard; and in all such proceedings there shall be no disability or exclusion on account of color.

SEC. 7. *And be it further enacted*, That leases heretofore made by the supervising special agents of the Treasury Department, under the authority of the General Order three hundred and thirty-one of the Secretary of War, dated October nine, eighteen hundred and sixty-three, and in accordance with the regu-

lations of the Treasury Department, shall have the same effect as if made by assistant commissioners under this act; but such lease shall not continue beyond the period of one year from its date; and immediately upon the organization of any district of freedmen and abandoned lands, such agents shall cease to execute their functions within such district, and shall deliver over to the assistant commissioner thereof all property and papers held by them as agents. But all expenses necessarily incurred by such agents in any district prior to its organization under this act shall be defrayed by the Secretary of the Treasury out of any moneys in his hands arising from the leases made by such agents.

SEC. 8. *And be it further enacted*, That the commissioner shall apply the proceeds accruing under this act to defray the expenses of this department, so that the same may become at an early day self-supporting; and any proceeds over and above such expenses shall be paid into the treasury of the United States.

SEC. 9. *And be it further enacted*, That whenever the commissioner cannot otherwise employ any of the freedmen who may come under his care, he shall, so far as practicable, make provision for them with humane and suitable persons, at a just compensation for their services.

SEC. 10. *And be it further enacted*, That the President of the United States is charged with furnishing the military and other support needful to carry this act into effect, and any military officer may be appointed under this act without increase of salary.

SEC. 11. *And be it further enacted*, That the commissioner shall, before the commencement of each regular session of Congress, make full report of his proceedings, with exhibits of the state of his accounts, to the President, who shall communicate the same to Congress, and shall also make special reports whenever required to do so by the President, or either house of Congress. And the assistant commissioners shall make quarterly reports of their proceedings to the commissioner, and also such other special reports as from time to time may be required. And it shall be the duty of all officers, civil and military, charged with the execution of any law, proclamation, or military order of emancipation, or in any way concerning freedmen not mustered into nor regularly engaged in the military service, to make return to the commissioner of all their proceedings in execution thereof, under such regulations as shall from time to time be prescribed.

SEC. 12. *And be it further enacted*, That all assistant quartermasters, local superintendents and clerks, as well as supervising special agents, shall be so far deemed to be in the military service of the United States as to be liable to trial by courts-martial or military commissions, to be ordered by the commanding general of the military department within which they act as such assistant commissioners, local superintendents, clerks or supervising special agents. And for all offences amounting to a felony; for any act of embezzlement, or wilful misappropriation of public or private property; for any wilful act of oppression of any freedman, or of any loyal inhabitant; for any act of taking or receiving, directly or indirectly, any money or thing of value on account of any act done or omitted by them in their official capacity; or for being in any manner interested in any purchase of cotton, tobacco, sugar, or any other article produced upon any lands leased or worked under the provisions of this act; or for any other wilful violation of their official duties, upon conviction thereof, shall be subject to punishment by fine not exceeding ten thousand dollars, or imprisonment at hard labor for a period not exceeding five years, or by both such fine and imprisonment.

SEC. 13. *And be it further enacted*, That the last clause of a joint resolution explanatory of "An act to suppress insurrection, to punish treason and rebellion

to seize and confiscate the property of rebels, and for other purposes," approved July seventeen, eighteen hundred and sixty two, be, and the same is hereby, repealed.

SEC. 14. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Managers on the part of the House—

THOMAS D. ELIOT,
WM. D. KELLEY.

Managers on the part of the Senate—

CHARLES SUMNER,
J. M. HOWARD.

ASSAULT UPON HON. WILLIAM D. KELLEY.

FEBRUARY 7, 1865. — Laid on the table and ordered to be printed.

Mr. BEAMAN, from the select committee to investigate the assault upon the Hon. William D. Kelley by A. P. Field, a citizen of Louisiana, made the following

REPORT.

The select committee raised by resolution of the House of the 23d ultimo, in which it is alleged that "it is understood that on the evening of Friday, the 20th instant, A. P. Field, a citizen of Louisiana, did attempt, by language of intimidation and bullying, to deter William D. Kelley, a representative in this house from the fourth district of the State of Pennsylvania, from the free and fearless exercise of his rights and duties as a member of Congress and voting and deciding upon a pending subject of legislation, and did follow up the said attempt at intimidation and bullying by an assault upon the person of the said Representative Kelley, thus committing a breach of the privilege of this house," and by which it is directed that an inquiry be made "into the said alleged breach of privilege," and "that the said committee have power to send for persons and papers and to examine witnesses, and that the committee report as soon as possible all the facts and circumstances of the affair, and what order, if any, it is proper for this house to take for the vindication of its privilege and right and duty of free legislation and judgment," report:

That your committee proceeded to take the testimony of several witnesses touching the subject-matter of said resolution in the presence of the said A. P. Field, many of whom were produced by said Field, and all of whom were subject to his examination or cross-examination. The committee also received the voluntary statement of said Field, which said testimony and statement accompany this report.

From the facts and circumstances thus elicited, it appears that on the evening of Friday, the 20th ultimo, about the time of 11 o'clock, Mr. William D. Kelley, a representative of this house from the fourth district of the State of Pennsylvania, with several of his friends, was at tea at Willards' hotel, in this city; that Mr. Field sat at the same table with them, and that other gentlemen and many ladies were also present; that whilst Mr. Kelley was engaged in conversation with his friends, Mr. Field, somewhat abruptly and in a loud and offensive tone of voice, interrupted him by saying, "Judge, why do you keep us out in the cold? Why don't you admit us?" That Mr. Kelley, after a little hesitation, responded by saying, "Judge, I have nothing to do with your case; it is in the hands of the committee, and has not yet come before the House. I cannot have anything to do with it until it comes before the House;" and then resumed conversation with his friends. Mr. Field then addressed Mr. Kelley as follows: "Why don't you march up to the line and toe the mark? Why don't you show your hand?" Mr. Kelley continued, without any reply, to converse with his friends, until after a little time Mr. Field repeated the interrogatories last mentioned, whereupon Mr. Kelley said: "Judge, if you will inquire of gentle-

men who know me, you will find that it is my habit to march right up to the line and to toe the mark regardless of consequences," and then turned to listen to the conversation of his friends. Mr. Field then broke out with more violent and profane language, and said to Judge Kelley that "he did not dare face his constituents;" that "he did not dare go home like an honest man;" that "he quailed before them after having acted as he had done or was doing." To this Mr. Kelley replied, in a low and subdued tone of voice, "Judge Field, my constituents will not rebuke me for excluding from Congress a man who behaves as you do—a man like you—one who behaves in the presence of ladies as you are now doing." Mr. Field then rose from his seat, "seemed" to approach Mr. Kelley, swearing that he (Kelley) "must take that back;" exclaimed, "G—d d—n you, sir, a man like me—a man like me! Come to the hall!" and then passed out into the hall, uttering, as he moved along, "You will feel me when you do come to the hall."

It further appears that after the lapse of about twenty minutes from the time at which Mr. Field went out, Mr. Kelley, with his friends, rose from the table and proceeded to the hall; that as soon as he reached the hall, Mr. Field advanced with rapid steps towards him, having his right hand in his pocket or "close to his body," and seizing Mr. Kelley with his left hand by the collar of his overcoat, whirling him around, and exclaiming at the same time, "G—d d—n you, you must give me satisfaction," struck him on the left hand with a pocket knife, producing a serious wound. In the mean time Mr. Kelley having seized his antagonist by the collar of his coat, held him, saying "You are too old a man for me to strike—go away, go away peaceably!" Mr. Field attempted again to strike, and continued to struggle and make threats until the bystanders took hold of the parties, and they were separated. That after their separation Mr. Field, with words of profanity, exclaimed, "I will shoot him before I go to bed." He declared "that he was armed;" and again he said "he was armed, and would punish Judge Kelley before he went away."

It further appears from the testimony that for some days before the collision between the parties, and during which time, Mr. Field was entirely free from artificial excitement—he seemed to have the impression that Mr. Kelley was an obstacle in the way of his admission to a seat in the House. He said "that the only man in his way was Judge Kelley." "He indulged in some severe remarks about Judge Kelley's position." "He spoke of Judge Kelley rather contemptuously." "He said he had no doubt he should succeed if it were not for Judge Kelley." "He manifested a great deal of bitterness."

It is proper here to state that Mr. Field does not deny the substantial facts in the case as hereinbefore stated. On the contrary, he says, "I have no doubt that all of Judge Kelley's statements are correct, as he recollects the facts," but he claims he "was at the time laboring under much excitement," and says "I do protest before you to-day, with an assurance that comes from the sincerity of my heart, that it was the farthest from my intention to have attempted to exercise, by any threats of intimidations or bullying, any undue influence over the honorable gentleman from Pennsylvania;" and the evidence taken by your committee seems to show that, during some days previous to the assault upon Mr. Kelley, Mr. Field was suffering from depression of spirits, and some excitement of the nervous system, and it is believed, in view of the evidence, that at the time of the assault he was to some degree under the influence of ardent spirits. Testimony was also produced to show the peaceable disposition of Mr. Field when free from intoxication, and that he was "a gentleman of correct deportment, kind and amiable in his intercourse with others, unexceptionable in his demeanor, except on occasions of indulgence in conviviality, which utterly unfit him for association with the world." A witness says, "When he does drink, he is what I regard as an insane man."

The foregoing statement contains, substantially, the "facts and circumstances

of the affair" as found by your committee. The conduct of Mr. Kelley throughout the entire transaction was unblameable, and the difficulty on his part was wholly unprovoked. They are satisfied by the evidence that at the time of the assault Mr. Field was to some degree intoxicated by drink; but however this fact, which is in itself an offence, may be regarded as a circumstance of explanation, they cannot deem it an excuse for the commission of misdemeanors and a violation of the privilege of the House. The fact is not to be overlooked that for some time previous to the commission of the offence, and when the mind of the respondent was unclouded by artificial stimulants, he looked upon Mr. Kelley with some asperity, as an obstacle in the way of obtaining his seat. His language of intimidation and threats just preceding the assault had direct and unmistakable reference to "a pending subject of legislation;" and though intoxication might have had some and even the principal agency in giving form and direction to his intent, nevertheless, in the opinion of your committee, that intention, by whatever cause induced, existed, provoked the language employed, and led to the subsequent assault.

Your committee find that the said A. P. Field is amenable to the charge alleged in said resolution, and that he has committed a breach of the privilege of the House.

They recommend the adoption of the following resolutions, and ask to be discharged from a further consideration of the subject:

Resolved, That the Speaker do issue his warrant, directed to the Sergeant-at-arms attending this house, commanding him to take into custody, wherever to be found, the body of A. P. Field, convicted of a breach of the privilege of the House in the attempt, by language of intimidation and bullying, to deter William D. Kelley, a representative in this house from the fourth district of the State of Pennsylvania, from the free and fearless exercise of his rights and duties as a member of Congress, and voting and deciding upon a pending subject of legislation; and in following up the said attempt at intimidation and bullying by an assault upon the person of said Representative Kelley, and forthwith bring him to the bar of the House, and that thereupon said A. P. Field be reprimanded by the Speaker.

Resolved, That so much of the resolution of this house of the 5th day of December last granting the privilege of the hall to the claimants for seats from the State of Louisiana as applies to the said A. P. Field be rescinded.

F. C. BEAMAN.

E. H. ROLLINS.

JOHN D. BALDWIN.

T E S T I M O N Y .

LIST OF WITNESSES.

FRIDAY, *January 27*, 1865.—Robert H. Lamborn and General Henry G. Thomas.

SATURDAY, *January 28*, 1865.—William D. Kelley, Major James Harper, Norman Wiard, O. P. Browning, Colonel John S. Clark, and Robert V. Montague.

MONDAY, *January 30*, 1865.—H. A. Chadwick, W. H. Painter, Robert V. Montague.

TUESDAY, *January 31*, 1865.—General N. P. Banks, J. W. Stanton, Edmund Murphy, John C. Jacoby, Charles Smith, James A. McDougal, Philip J. White, Leonard Myers, Charles O'Neil, A. T. Stone, G. W. Noble, R. K. Cutler.

MINUTES OF EVIDENCE.

FRIDAY, *January 27*, 1865.

Members present: Messrs. Beaman, chairman; Rollins, Robinson, Baldwin, and Townsend.

ROBERT H. LAMBORN called, sworn, and examined.

By the chairman:

1. Were you at Willards' hotel, in this city, on Friday evening, the 20th instant? I was.

2. Did you hear any conversation between Mr. Field and Mr. Kelley? I did.

3. Please state what you saw and heard on that occasion.

I came into the hotel, I presume, about 11 o'clock, and went into the supper-room to get a cup of coffee. I sat down at a table not far from the door with Mr. O'Neil, Mr. Myers, Mr. Kelley, Mr. Harper, and a gentleman who I afterwards understood to be Mr. Field, and a number of ladies and gentlemen. After we had conversed for some time Mr. Field leaned forward and, apparently addressing Judge Kelley, said "Why are you keeping us out in the cold?" or words similar to that. The judge did not reply for a little while; he then said, "I am not keeping you out in the cold," or something to that effect. Mr. Field replied, "You are afraid to go home and face your constituents, damn you, and answer for your actions." Mr. Kelley said, "When the time comes," or "When the roll is called I will answer for my actions," or words to that effect. Mr. Field rose from the table, pushed his chair forward, and saying something I did not catch, went out into the corridor, or out of the room. We sat there for some minutes, and then went out together. Soon after leaving the door, I saw Mr. Field coming up the corridor. He approached Judge Kelley and reached forward, apparently to take him by the throat. The judge held out his hands, and apparently took Mr. Field by the throat. It appeared as if Mr. Field's hand caught by Judge Kelley's outside coat. Just at that moment Mr. Kelley caught him and held him back. The whole thing was done in a very short time. Judge Kelley said, "Take this old man away, I do not want to strike him." Then some bystanders interfered, and they were parted. The judge went to a washbasin to wash his hands, and at the washbasin I saw the wound across his hand, which was subsequently dressed.

4. Was there anything further in relation to the transaction that you saw?

I have stated the outlines of what I saw, as far as I remember.

5. Did you see any weapon in Mr. Field's hands?

No.

By Mr. Townsend:

6. Where did the parties sit at the table—in what conjunction?

They sat at the end of one of the tables running crosswise in Willards' dining-room.

7. What took place while they were apparently holding each other? Did you notice any particular action?

There was moving backwards and forwards. Judge Kelley apparently had Mr. Field by the throat. There did not appear to be any scuffling.

General HENRY G. THOMAS called, sworn, and examined.

By the chairman:

8. Were you present on Friday evening, the 20th instant, at Willards' hotel, in this city?

I was.

9. Did you see any difficulty occurring between Mr. Field and Judge Kelley?

I came out after it was over.

10. Please state what circumstances in reference to it came within your knowledge.

At a late hour on Friday evening I was sitting in one of the smoking-rooms at Willards' hotel, near the hall. I heard, in a loud voice, "Take this old man away, I do not want to strike him; he is an older man than I am; take him away," or words to that effect, repeated several times. I stepped out into the hall, and saw a man, who I now know to be Judge Kelley, standing opposite a man I now know to be Mr. Field, about six feet apart. The blood was running down from Judge Kelley's hands, and he was reiterating these remarks. That is all I actually saw of the matter. Judge Kelley then went into the office and had his wound dressed. Mr. Field, after walking up and down the hall five or six times, walked into the office and out again, and then out of the hotel. Judge Kelley soon after came out of the office and went to his own office.

11. Did you hear anything Mr. Field said?

I did not.

SATURDAY, *January* 28, 1865.

Members present: Messrs. Beaman, chairman; Robinson, Baldwin, and Townsend.

A. P. FIELD appeared.

By the chairman:

12. In accordance with previous understanding, Mr. Field, the committee are now prepared to hear your statement.

Mr. FIELD: Mr. chairman and gentlemen of the committee, I can say with great truth that I never appeared before any body nor any tribunal under greater embarrassment than that under which I appear here to-day. The committee, to me, are comparatively all strangers, with the exception of one of them, the honorable gentleman from Illinois, (Mr. Robinson,) and to him I am almost a stranger, although I had a long time resided in his State. But, notwithstanding my being a stranger, I feel every assurance, and no fear, that in the investigation of this matter they will render me impartial justice. I seek not, upon any ground, or in any manner, to shelter myself, or to claim exemption from the common lot and infirmity of human nature; but the charge which has been preferred against me by the House of Representatives is a grave and serious one; and if I am guilty of that charge, I could ask no mitigation at the hands of this committee or of the House for the commission of the offence.

The committee will pardon me, before I proceed to make my statement, which I think will dispense with all further testimony, in calling their attention to the charge itself. It is as follows :

“Whereas it is understood that on the evening of Friday, the 20th instant, A. P. Field, a citizen of Louisiana, did attempt, by language of intimidation and by bullying, to deter William D. Kelley, a representative of this house from the fourth district of the State of Pennsylvania, from the free and fearless exercise of his rights and duties as a member of Congress, in voting and deciding upon a pending subject of legislation, and did follow up the said attempt at intimidation and bullying by an assault afterwards upon the person of said Representative Kelley, thus committing a breach of the privilege of this house.”

If I have been guilty of that charge I deserve, no doubt, the severest punishment the House of Representatives can inflict upon me. I was here by their courtesy, admitted to the floor for the time of the pendency of the claim that I had presented on behalf of my constituents for a seat in Congress; and if I was guilty of any breach of duty of this kind, any violation of my respect for the House, or any intention of it, in intimidating a member of the House, or in any way towards exercising any influence on his mind in the discharge of his duty, I ought to be expelled and punished besides.

You will pardon me, Mr. Chairman, situated as I am—and I feel deeply and sensibly the mortification under which I labor—in stating to you that I came to Washington last year, also claiming a right to a seat in Congress. I remained here from the commencement of the session in December to February the 10th following, when my case was decided, and will permit me to call your attention to the *Globe*. I sent for it of that date to show you my language to the House and to the Committee of Elections, to which I here most gladly appeal in regard to my courteous conduct to the members of that committee and of the House, and that when the House had decided my case, the committee having reported against me. Then, when I was confident that I would be denied a seat by a large majority, it will be seen that my language was nothing but that of kindness towards those who decided against me. I beg leave to refer to two passages in the speech which I made pending that controversy: “And now, Mr. Speaker, it becomes me to tell you that I know the decision of the House will be against me. I shall submit to it without complaint or murmur. I shall return to my adopted State with my loyalty undiminished. I shall battle there with what little ability I have to sustain this glorious Union; and though the star of Louisiana has been obscured by the hands of traitors, it will yet shine forth as brightly as that of any of her sister States.”

That was my language to the House of Representatives. To the Committee of Elections I say one word :

“One word, and I am done. I cannot close my remarks without returning my profound thanks to the chairman of the Committee of Elections, as well as to each and every member of that committee, for the impartial, able, and patient manner in which they heard all I had to say in favor of my claim to a seat in this house. They have my profound gratitude. I will not say that they have been wrong in reporting against me. They have reported according to the dictates of their own consciences and judgment, and it is not for me to complain.”

That was the spirit in which I parted from the House of Representatives, having been sent here by the people to ask your recognition of their right to be represented; and when you had denied it to me I returned to my constituents. I left you with all kindness and good feeling, nor had I a solitary feeling against any man who had voted against me, painful as it was to me however.

My credentials were presented here on the first day of the session, communicated to this Congress by the governor of the State of Louisiana, and you ad-

mitted me to the privileges of the hall. I have scarcely sought an introduction to a member. I challenge almost every member of the House to know whether I have even forbore to talk about my claim. I have not talked scarcely to one of you. I have not talked with either of you, and I have not talked with one man in ten in the House of Representatives in regard to my right or claim to a seat. All I did do was to present such considerations to the Committee of Elections as would sustain my right to a seat.

Now, Mr. Chairman, I desire to ask the indulgence of the committee while I read, and this paper I obtained from the Committee of Elections. I shall refer particularly to a brief paragraph published in the New Orleans Era, showing my position before I came here; and I do this, if you will permit me, in answer to those publications which certainly have reflected greatly upon my disposition, character, and everything else; that I had come here a bully of the southern chivalry to fight my way into Congress; that I was a Thug, a bully, and things of that kind. I do not complain of these publications, although I know they are unjust to me. I know the very men who have sent them forth will find hereafter their entire mistake. They were actuated by feelings which have actuated, no doubt, many others here, but I await the calm judgment of those who are to pass upon my conduct through life to determine whether I am amenable to those charges or not. The situation which I now occupy has been placed upon me without my consent and against my protest.

Before I read I beg leave to remark that a high-minded and honorable gentleman of my State, the auditor of the public accounts, was the candidate in opposition to me. There was considerable excitement at one time, and I read this to show you the course I took:

"The colonel was greeted with tremendous and prolonged cheering when he got up. He said he had never yet appeared before the people under more embarrassing circumstances than to-night. He deplored disturbances of this kind more than any one else. He had always stood up for freedom of speech. He had no interest but in common with all present. He had lived here for eighteen years, and record was before them. Against his wish, against his protest, his friends had insisted on putting his name in nomination for Congress, and out of forty-one votes in the nominating convention he had received thirty-six. He had nothing to say against Dr. Dostie. He never abused any one in his life, and he now stood upon his own merits. If I fall, let me fall, ('You won't fall; we'll send you to Congress!') If you think Dr. Dostie a better man than me, elect—('No, no!') My record is before you, and you know whether I am a Union man or not. ('You are, and we know it.') You all know that I have always come forward on all occasions; that the poor man in his need never applied to me in vain. I cannot go on; I am sick. On Monday next I shall go to the polls and vote for the constitution, and if elected I shall use all my efforts to restore the State to the proud position it once occupied."

That was my language, employed in a somewhat bitter contest which prevailed in my State at the last election; but it was a contest between Union men.

You see, then, the circumstances under which I have come to Washington—against my own wishes—against my protest. I have ceased to have any ambition in any manner or form beyond an honest desire, in these times of trouble, to serve as far as I can the country in common with the rest. Now, I ask you, in view of all these publications which have gone forth to the world, and which have gone to my constituents, before I could reply to them and to defend myself, I ask you where is the justice of them all? I have submitted quietly. I have submitted to all indignities of this kind quietly. I have not complained. But do you suppose, Mr. Chairman, if my constituency, who have known me for eighteen years, coming as I do from the commercial portion of the city of New Orleans, do you suppose that if I were the character represented by these publications which have gone forth to the world—if you believed, then, I had a con-

stituency who, in view of all these things sent me here, you ought to pronounce them outlaws, and deny them representation here or anywhere. It is the best reference I could give you. It is the best reference I could give you of my good faith and loyalty—of my peaceable and quiet disposition. If I have ever wronged a man in my life, I have done it unintentionally. I have never cherished malice towards my bitterest foes. And I would never, if I know myself, for one moment attempt to do a wrong to a gentleman who had always treated me with kindness and courtesy; to a gentleman, too, who stands, in my estimation, high and prominent in favor of the very principles that I have always sustained and advocated, differing only in those minor points which prevail in this country among the strongest Union men in our midst.

Will you pardon me again for referring you to a speech which I made in 1863. I will read an extract from an address delivered by me before the Union Association, held at the Lyceum Hall, which is published in the New Orleans Times of November 9, 1863:

“I value the Union above all the slaves in the south; and before they should be suffered to embarrass the question of its preservation I should wish to see them all go to the dogs.

“I have not long to live; I am getting somewhat advanced in years; and I never want to die except under our glorious stars, with many more added to them.

“The President has by his proclamation emancipated all the slaves except a few in Missouri, Kentucky, Tennessee, and parts of Virginia and Louisiana. If this proclamation is sustained by the courts, what will become of your slaves? Where will be the slave territory in this country? Nowhere. And, further, from the time that proclamation was issued I have approved it. I always said that if he had by his proclamation swept from the country every slave, from the loyal men as well as the disloyal, from you and from me, fellow-citizens, as a man who never had any other sentiments than those of loyalty to the Constitution and the Union, I should not have complained.”

So much for my pro-slavery politics.

Now, Mr. Chairman and gentlemen, you have enough of my own history, and I have only introduced it, I assure you, in this instance, for the purpose of vindicating myself against charges made outside. I know that they could have had no influence upon you—could have none upon impartial men.

Now, in regard this particular charge, I am free to confess to the honorable gentleman from Pennsylvania, as my letter will show that I am willing to do all I can do. I have never denied that I was wrong in reference to what I did in that affair. I scarcely knew, Mr. Chairman, what I did myself. I believe I have a copy of that letter, but I will be glad if the honorable gentleman from Pennsylvania will permit me to use the original.

Hon. WILLIAM D. KELLEY: It is at my room, but I do not object to your reading your copy of it.

Mr. A. P. FIELD: I do not think my copy is an exact one, but wherein it is wrong it can be corrected.

Hon. WILLIAM D. KELLEY: I will furnish the shorthand writer with the original, from which he can make a copy for the record.

The letter is as follows:

WASHINGTON CITY, *January 25, 1865.*

The occurrences between us at Willards' on the evening of the 20th instant I am sure are more deeply regretted by me than they can be by you or any other person.

I was at the time laboring under much excitement, and have but very little recollection of what transpired. I only know that I had the impression that

you intended to insult me, and this was no doubt a misapprehension on my part. I am very conscious that I entertained no feelings of unkindness towards you, and no thought of attempting in any way to interfere with your official duties or to hold you to answer to me for the manner in which you discharged them, and deeply regret that I was betrayed into any rudeness or incivility of conduct towards you.

Satisfied that I am blamable in the affair, I feel it due to myself, as well as to

With high respect, your obedient servant,
you, to offer this explanation, which is the best reparation in my power to make.
A. P. FIELD.

Hon. W. D. KELLEY.

Mr. A. P. FIELD: Gentlemen who are here can show my condition for days before. I do not refer to any particular excitement, but it is my nature, occasionally, to be hypochondriacal. I was at the time laboring under much excitement.

I have no doubt that all of Judge Kelley's statements are correct, as he recollects the facts. But I do protest before you to-day, with an assurance that comes from the sincerity of my heart, that it was the furthest from my intention to have attempted to exercise, by any threats of intimidation or bullying, any undue influence over the honorable gentleman from Pennsylvania. I never before had a word with him, and he had always treated me with respect and courtesy. I could not have had any motive for the conduct ascribed to me. In the name of God, why should I not have gone and assailed some other man? He had never done me wrong; he had never done me any harm. I say this publicly. I know I have done wrong; but who is there among mankind who has not done wrong some time or other, some in one way and some in another? I therefore, Mr. Chairman, make this statement to the committee, deeming that I have said and done all that I could. My case is with you. I feel, of course, as all feel—as all feel at my stage of life—some desire that the respect and reputation I may have should, if possible, be preserved. If you think I should be punished, you can do so. I shall be satisfied with whatever judgment you shall give. I tell you in all frankness and candor, that, so far as I can recollect, and so far as my friends can remember, I have been in fault, and that my friends all know that I have been in fault. But, you know that it is said that man is “as prone to sin as the sparks to fly upward.”

Hon. WILLIAM D. KELLEY called, sworn, and examined.

By the chairman:

13. Are you a representative in Congress?

I am a representative in the House of Representatives from the fourth congressional district of the State of Pennsylvania.

14. Please narrate to this committee the circumstances of the difficulty which occurred between yourself and Mr. Field on Friday, the 20th instant, at Willards' hotel, in this city.

I passed the earlier hours of the evening at the White House, hoping for an interview with the President, but finding that was improbable, and having business with the Surgeon General, I went over to his office and asked for the transfer of some soldiers from the Washington to the Philadelphia hospital. I went thence to Willards' hotel, where I met my townsman and friend, Major James Harper, late a disbursing officer of the army, and requested him to go with me to the room of my colleague, Mr. O'Neill, where we hoped to meet, as we did, my other colleague, the Hon. Leonard Myers. We remained there for a little while, and until it must have been after 11 o'clock. I do not recollect the time, as there was nothing which occurred which enabled us to mark it. All being boarders at Willards', we went there for a cup of tea. Major Harper and

myself at once entered the tea room, and I was struck with the fact that the room was unusually brilliant at that hour. I did not observe who was at table. It happened that those who had attended the Speaker's reception were just dispersing, and there was a reception given by one of the ladies boarding at the hotel that evening. There was an unusual number of ladies and gentlemen in full dress at table, so that I was struck with the general appearance of the room. I do not recollect to have observed a single individual. Major Harper took his seat on my left; a gentleman, a stranger to me, sat to my right. Soon after we had taken our seats Mr. Lamborn, a friend of mine, came in and took a seat beside the stranger, and was almost immediately followed by Messrs. Myers and O'Neill, who seated themselves next to him and opposite to Major Harper and myself. We fell into conversation. I introduced Mr. Lamborn to my colleagues and to Major Harper, and we were chatting quietly, when I heard a loud voice saying, "Judge, why do you keep us out in the cold? Why don't you admit us?" He coupled it with other language, which I do not precisely remember, but it was a repetition in substance of what I have given you. I did not answer immediately; the tone was offensive. I thought it better than to appear rude to answer, and leaned forward. When Judge Field leaned forward in front of Major Harper he had evidently addressed me. I replied, "Judge, I have nothing to do with your case; it is in the hands of the committee, and has not yet come before the House. I will, cannot, have anything to do with it until it comes before the House." I then turned and addressed my friends again. He next said, as I remember it, with some profanity, "Why don't you march up to the line, and toe the mark? Why don't you show your hand?" I continued the conversation in which I was engaged, and he repeated this language, amplifying it slightly, but not much. I turned again, anxious to avoid the appearance of being in controversy at table, where there were several ladies, and said to him quietly, and making my manner as pleasant as I could, (for there had been no controversy between Judge Field and myself,) "Judge, if you will inquire of gentlemen who know me, you will find that it is my habit to march right up to the line and to toe the mark, regardless of consequences." I turned to my friends, and listened to the conversation between them. He then broke out with more violence, and still more profane language, that "I did not dare face my constituents; that I did not dare go home like an honest man; that I quailed before them, after having acted as I had done," or was doing—I do not recollect the tense it was put in. I said, in a low and subdued voice, and with a good deal of decision of manner, "Judge Field, my constituents will not rebuke me for excluding from Congress a man who behaves as you do; a man like you; one who behaves in the presence of ladies as you are now doing." He rose at once, and seemed to be approaching me, swearing that I "must take that back; G—d d—n you, sir; a man like me? a man like me? Come to the hall;" and he passed on, saying, "You will feel me when you do come to the hall," and then left the room. Without any purpose in it in my mind, we sat some twenty minutes at the table. I fix the time by recurring to the topics we discussed. They are not important to this statement, but they were of a general and interesting character, involving one or two law points, and questions of personal habit, &c. We rose simultaneously from the table as though we had come in of one party. As I passed towards the door, I do not recollect who said Judge Field was in the hall. It made no impression on my mind; I had no thought of violence. The thought that passed through my mind was that our meeting might lead to some angry discussion. I put on my coat, and rather followed the gentlemen than preceded them. We halted immediately at the door, my purpose being—and it was conceived the moment it was suggested to me that Judge Field was there—to pass out of the eastern door and go at once to my room, which is out of the hotel. As I turned to wish good evening to the gentlemen, I saw Judge Field standing in the corridor, near the heater, and towards the eastern side of the

office. He appeared to be talking to two or three gentlemen, and, seeing me, he at once advanced towards me. I noticed but one thing in his appearance, and that was that his right arm was close to his body. I did not see his hand. He came with quick, steady step, and as he passed between me and a gentleman near whom I was standing, he seized me with his left hand by the collar of my overcoat, which hung loose on my shoulders, and as he did so whirling me round, exclaiming at the same time, "G——d d——n you, you must give me satisfaction," and striking me, as I supposed and believed at the time, with his fist. I instantly seized him, and, fortunately for myself, by the collar of his coat, catching both sides, and threw up my hand to ward off the coming blow. I found I had received a very heavy blow on the back of my hand, and the impression left on me was that it was by iron knuckles. I felt none of the sense of incision. It appeared to my mind to be a blow across the back of the hand with some metallic substance. I found I had Judge Field, however, entirely in my control. With my hand partially uplifted to strike him, I said, "You are too old a man for me to strike; go away; go away peaceably." He made no demonstration at that moment to strike me, but pressed forward with his body as if to contest my capacity to hold him at arm's length; and as he did so, stretching myself to be beyond his reach, I reiterated the exclamation, "Go away; you are so old a man I will not strike you; go away, sir." He was still muttering threats. I saw his left arm rise again, when some one seized it from behind. I watched his countenance rather than his arm, that being the surest index of his purpose. Finding he still persisted, I turned to the gentlemen around and said, "Will not some of you gentlemen take this old man away, so that I may not be compelled to injure him in self-defence?" Just at the moment of the second blow I have spoken of his hand was seized and drawn back. We were then released. A moment or two afterwards I lost my temper very seriously, for the employes of the hotel came around me—a considerable group had gathered—the employes of the hotel came around me, and laid hands on me. I said, "Do not create the impression on the minds of these people that I am a disturber of the peace. Take that old man; it is he who has made this breach of the peace; remove him and I will go away." Meanwhile I felt blood trickling down my hand, and raising it, found my shirt-cuff was clotted with blood, and that my hand was one mass of blood, so that I could not see where the wound was, or what was its size. I found my coat dripping with blood, some of which is still on it, and passed to the wash-room of the hotel, followed by Mr. Myers and other gentlemen. After considerable washing in cold water, I found a cut about an inch and a half across the back of my hand. Mr. Myers asked, "How did you get that." I replied, "I do not know?" I said, "I thought he struck me with false knuckles." I went to the office, and as I did so, heard Judge Field, but am now unable to remember his language, for by that time I had become considerably excited, especially at the indignity put on me by the employes of the hotel in their conduct, creating the impression that I had been a disturber of the peace. I said to the person in the office, "Proper respect, sir, for the proprietor of the house requires you to have that man taken away, indulging, as he is, in profane language." I also added, "I want you to send for the nearest physician, and have my wound dressed." In a few minutes Dr. Stone, of the army, came and dressed my wound. In the mean while Judge Field passed up and down in front of the office, and gathering a few men around him, he went into the bar-room. I was so seated in the office that there were about three feet between my back and the private door to the bar-room leading from the office. He and his friends were there drinking and talking. While the operation of dressing was going on he passed out at my back, followed by a group of men, and again commenced walking up and down in front of the office. The dressing of my wound being completed, I proposed to go to my room. Several gentlemen admonished me that it was not safe to do so, as Mr.

Field evidently had an intent on my life. General Thomas, a stranger to me then, and whose name I did not know, said to me, "You must not attempt to go to your room without company, and I beg you to place your arm in mine," adding that it was very evident my assailant had further designs upon me. I took his arm, and walked to my room, two or three gentlemen following at a short distance, as I learned when they came into my room.

Mr. FIELD. As to what General Thomas said is not evidence. He can be brought here to testify as to what he saw and did.

Mr. KELLEY. I believe there is nothing further that I now remember.

By Mr. Field :

14. I have not been present during Judge Kelley's testimony, but I presume it is the same as the affidavit published in the papers, substantially. I ask Judge Kelley whether he recollects the remark he made to me as to my constituents sending a decent man?

There was no such language used on that occasion. You asked me before the magistrate whether I had said that, and I swore very positively that I had not. I now reiterate it.

By Mr. Robinson :

15. What language did you use?

The language I used was, "Judge Field, my constituents will not rebuke me for excluding from Congress a man like you; one who behaves himself as you are now doing before ladies."

By Mr. Field :

16. We never had any controversy or difficulty before this?

I can remember but one brief conversation between us, and there was nothing like strife in that.

Major JAMES HARPER called, sworn, and examined.

By the chairman :

17. Have you heard the testimony of Judge Kelley?

I have.

18. State to the committee whether you know the facts he stated to be true.

So far as my memory serves me, I believe them to be true. I prefer, however, to give my own version of the matter.

On Friday evening, January 20, I was in the hall of Willards' hotel, in company with a few disbursing officers of the Pay department. Judge Kelley came through the hall and joined us in conversation. After a few moments he proposed to go and spend the evening with Mr. O'Neill, as I had promised to do during the week. We went there and spent the evening with Mr. O'Neill and M. Leonard Myers, and remained until about half past eleven o'clock, conversing about Philadelphia matters. It was proposed that we should go to supper, and we came down to Willards'. Judge Kelley and myself first entered the supper-room. I took a seat at the table next to Judge Field, Judge Kelley taking a seat on my right. A few moments afterwards, Mr. Lamborn, a friend of Judge Kelley, came in and took a seat at the round end of the table. Directly, Mr. Myers and Mr. O'Neill came in and sat directly opposite us. The rest of the table was mostly occupied by ladies. Judge Kelley and myself were holding some private conversation, when Judge Field leaned down before me and remarked to Judge Kelley: "Judge, why do you keep us out in the cold? why don't you admit us?" Judge Kelley replied to him pleasantly, saying, "I am not keeping you out in the cold; the matter is in the hands of the committee, and not yet before the House." Then Judge Field asked, with an oath, why he didn't show his hand; why he didn't toe the mark. To which Judge Kelley, so far as my memory serves me, made no reply. He then made another remark, with an oath, that Judge Kelley was afraid to show his hand; that he was afraid to "toe the mark," and that he did not dare face his constituents be-

cause of his action in the matter; that his people wanted them admitted. That was said in a loud voice, and caused some little excitement at the table. Judge Kelley then remarked to him: "Judge Field, I am not afraid to show my hand; I think, when the time comes, you will find that I will 'toe the mark,' nor will I be ashamed to face my constituents for voting or acting against the reception of a man, or gentleman—I don't remember the expression—as a representative on the floor of Congress, who would act and speak as you have done in the presence of ladies." Judge Field then left the table, making the remark that he would hold him accountable, or that he would see him again. We sat at table some fifteen or twenty minutes after that. I was afraid, before I left the table, that there would be some unpleasantness between them. As I got to the door, I saw Mr. Field and Mr. Wiard standing near the heater. As Mr. Lamborn came out, I remarked that I would go back into the supper-room and tell Judge Kelley that it would be best for him to pass out of the other door, as Mr. Field was excited, and there might be words and unpleasantness. Judge Kelley came out after Mr. Myers, as I was at the door, and joined us in conversation. We were about parting, and as Judge Kelley stepped back to leave us, Judge Field started towards him. I heard a loud remark from Judge Field—"D——n you, you must give me satisfaction." I turned, and found at the same time Judge Field had struck at Judge Kelley and collared him. I jumped to get between them to prevent unpleasantness. Judge Field drew back to make a second blow, when I caught and held his arm. I took hold of both of them. I tried to pacify Judge Field, at the same time holding control over his arm. The position in which I held his arm was such that his hand was turned towards me, and I saw a knife in it. My cloak was over my right shoulder; I had him only by one arm. I retained my hold until they were parted. Judge Kelley stepped back; but when he found that he had been cut he became considerably excited. I stood between them. Finally, Judge Kelley went into the private office and sent for one or two doctors. He could not get one. He was bleeding profusely, and I asked the bookkeeper whether there was any surgeon in the house. He sent to Dr. White's room, who immediately came down and dressed the wound. During the dressing of Judge Kelley's hand, Judge Field was walking up and down the hall. I was out in the hall several times. One and another came into the office reporting the remarks they heard Judge Field make; but I do not feel disposed to repeat them, as I did not hear them. I came out and went into the bar-room to satisfy myself. I went out into the hall, and Judge Field said, in my presence, "G——d d——n him, I will shoot him before I go to bed." After Judge Kelley's hand was properly dressed, I went over to his rooms with him; coming back, I was informed that Judge Field had been arrested. I believe that is all.

19. Did you see the knife distinctly?

Yes, sir.

20. Give a description of it.

It was a penknife, with a dark handle—a tortoise-shell handle, I took it to be.

By Mr. Field:

21. Is that the knife?

My impression is, it had not any such mounting on the end. I took it to be tortoise-shell or buck-horn out to the end.

22. Did you take the knife from him?

No, sir. The knife was still in his hand. He came up to the judge with his right hand in his pocket.

NORMAN WIARD called, sworn, and examined.

By the chairman:

23. Were you at Willards' hotel on the evening of the 20th instant?

I was.

24. Did you see the difficulty between Judge Field and Judge Kelley?
I did.

25. State, if you please, what you saw.

On the evening in question I was in the rotundo of the hotel, and approached a friend of mine, who was sitting on the register, and holding a conversation with Judge Field. He introduced me to Judge Field, who, I saw at once, was very much excited. I took it that he was intoxicated. Judge Field made a remark, almost immediately, that some very mean men came from Massachusetts. He said it very emphatically, and supposing at first that he thought I came from Massachusetts—that he wished to insult me—of course I felt annoyed. Presently I understood from his conversation that he alluded to General Butler. He told me, in a quiet manner, that there were mean men from every State, and alluded to something that had occurred at the table, which had excited him a great deal. I felt anxious to get away from him; but he left me suddenly, and it hardly seemed to me that he had time to go so far when I saw Judge Kelley holding him off, exclaiming, “You are too old a man; I do not wish to hurt you; take your hands off me.” Very soon afterwards he requested the persons about him to take this old man away; that he did not wish to hurt him. I came forward as soon as I could, and stepped between them, and so as to separate them. They were separated, however, about the time I came up, and one of the clerks of the hotel began to urge Judge Kelley to withdraw, and upon that Judge Kelley seemed to get much excited. He said that it was improper to ask him to withdraw; that if any steps were taken they should take away the man who had assaulted him. I thought there was some justice in the remark, and told Judge Field it were better if he would go away. He said, calmly, at first, that he believed he would, but he did not. But I repeated the request to him, when he said he was armed and could take care of himself. He became excited again. While he was making this remark another gentleman, who was better acquainted with him, came up and said that he had better go away. He replied that he was armed and would punish Judge Kelley before he went away. I then went along the hall, and for the first time learned that Judge Kelley had been wounded. I had noticed blood on his hand, however, while he was close to Judge Field. I felt a little anxiety, having heard Judge Field state that he was armed. As I turned back I met Mr. Noble, who had introduced me to Judge Field, talking to the judge, and I told him that Judge Kelley had been wounded. I expressed some indignation about it to him. He said he was astonished, and had no idea that Judge Field would do anything of the kind. I told him that he had better take Judge Field to his room or have him arrested.

26. Did you see anything more of the difficulty than you have stated?

After he said that he was armed, I noticed with concern that Judge Field was passing up and down the hall. On that account I felt some indignation on the subject.

By Mr. Field:

27. Where is Mr. Noble?

At Willards’.

28. Do you recollect having seen Mr. Hall?

I do not.

Hon. O. B. BROWNING called, sworn, and examined.

By the chairman:

29. What statement have you to make in reference to this matter?

I will state to the committee that I know nothing of this transaction at all. The first intimation I had of it was through the public papers. On the Wednesday following, Mr. Field sent for me to visit him at his room. He

wrote me a note; but I was occupied at court until the adjournment. I went up to see him, and had a conversation with him.

By Mr. Field :

30. State my condition.

I will begin by saying that I became acquainted with Mr. Field about thirty years ago, and that for some years I knew him quite intimately. At the time I first made his acquaintance he was secretary of state for the State of Illinois, and being at the seat of government during attendance on the courts and legislature, I met him often. When I visited him at his room the other evening I found him depressed in feeling, and physically unwell. He seemed to me more like a man who was recovering from disease than a man who had been in the continued enjoyment of good health. All I can say is, that he was apparently suffering under great depression of feeling and physical debility. If it is deemed proper for me to make any further statement, I have no objection to do so. It may perhaps be proper for me to state, that I have always known Mr. Field to be a gentleman of correct deportment, kind and amiable in his intercourse with others, unexceptionable in his demeanor, except on occasions of indulgence in conviviality, which utterly unfit him for association with the world. There is one fact in reference to Mr. Field which, though it may not be proper, I will state to the committee. I do not think he is in the habit of drinking, but when he does drink he is what I regard as an insane man. During my acquaintance with him it has but rarely occurred that he has indulged in ardent spirits; but it is a fact known to all his acquaintances that when he is in that condition he requires to be taken care of as a man laboring under mental aberration.

Mr. Field stated to me, when I called upon him, that he had an indefinite and imperfect recollection of what had transpired between him and Judge Kelley, and he expressed deep regret at the occurrence. He sent for me to advise with him as to what was the proper course for him to pursue, and I gave him the best advice that I could. I saw Judge Kelley afterwards and had an interview with him, but that is not pertinent to this inquiry. I know nothing of the facts of the occurrence at all.

By Mr. Robinson :

31. From your long acquaintance with Judge Field, do you think that there is anything vindictive in his disposition ?

My own impression is, that he is unusually kind and generous in his disposition; that is, when he is in a normal condition. But it is a fact known to his friends, that he cannot indulge in ardent spirits without becoming an insane man. For some years past I have had no personal intercourse with Judge Field. Since his removal to New Orleans I never met him until I met him in Washington, last winter; nor do I remember what year it was in which he removed from St. Louis to New Orleans. While he was at St. Louis he was nearer to me, as I live at Quincy, on the Mississippi river, and there is constant intercourse between those two cities. Since he changed his residence from St. Louis to New Orleans I never met him until last winter, but I have frequently heard of him through mutual friends.

By Mr. Kelley :

32. You were kind enough to bring me a note from Judge Field ?

Yes, sir; I think it was night before last. It is the note referred to by Judge Field. He had requested that I should bear the note. He told me that he had imperfect recollection of what had occurred, but he was conscious that he had done wrong, but thought it to be his duty as a gentleman to make all the reparation he could. At his own request, I cheerfully became the medium of communication with Judge Kelley.

Col. JOHN S. CLARKE called, sworn, and examined.

By Mr. Field :

33. State where you have been employed for the last two or three years.

I am aide-de-camp on General Banks's staff, and have been on duty at New Orleans since 1862. I had no intimate acquaintance with Judge Field in New Orleans, and knew him more by reputation than otherwise.

34. Have you seen me frequently since I came here ?

I was not intimate with him until his arrival in Washington, in December.

35. Did you visit my room frequently ?

Yes, sir ; I have been acquainted also with his wife. I observed, some three weeks ago, that he was subject to melancholy and despondency, disturbed condition of his mind. I had some conversation about that with him, and also with his wife. Some two weeks since, she found it necessary to leave for Ohio, but before leaving she charged me to take care of Judge Field, saying that he felt badly, and she did not know what it would amount to. I replied that I would. From that time I called on him several times a day. I was with him on Wednesday, Thursday, and Friday, the greater share of the time, and especially on Friday. I found that he had been taking medicine for his ailment. I think, about Wednesday or Thursday he drank spirituous liquors. I did not know him to do so before during my acquaintance with him. On Thursday I thought he was not in a condition to be left alone a moment. I advised his friends, and it was understood that he was not to be left alone. The judge promised me himself that he would not leave his room. On Friday he made the same promise, and I was with him from the early part of the evening until half past eleven o'clock. He was much excited ; his mind was much disturbed, and at times I considered him to be a delirious and crazy man. At some moments he seemed to be conscious of his condition, and begged me not to leave him alone. I told him that I would not leave him alone. I was that evening with Mr. Wells. The judge said he was sick, and that he did not know what he would do, or was doing. He sent a message to his particular friend, saying that he was not to leave his room, and for him to come and see him, telling him that he was sick. I ascertained during the evening that he had not left his room during the day. He said that he had not left his room. At half past eleven I made an arrangement with Mr. Wells to stay with him, as I was going to bed, not feeling very well. I went to bed, and next morning found that this difficulty had occurred some twenty minutes after I had left him. He spoke of Judge Kelley several times during the evening, showing no malice, no feeling, making no threats, but only saying that he would answer his arguments on the floor. During the conversation he declared that he had never carried arms during his life, but that some people thought he was armed.

36 Have you ever seen me with arms ?

I never saw him armed, and never heard of his being with arms ; on the contrary, his general reputation in New Orleans was, that he was a kind-hearted man, and that he is an able lawyer. He is popular with the people. I never heard until a few days ago what was the condition of his mind under the influence of liquor.

By Mr. Robinson :

37. Have you any knowledge of his habits here ?

I have been for the last two months more with him than with any other man. I have always found him in his room. At first he stopped on D street. He was writing a great deal, sometimes nearly all night. It is surprising to me how a man could keep his health and sleep so little ; sometimes not more than two, and never more than four hours. I feel that I was somewhat responsible for this matter, as I took it upon myself that he should not be left alone at this time. I thought it was safe to leave him with Mr. Wells, as he said he could manage him.

ROBERT V. MONTAGUE called, sworn, and examined.

By Mr. Field:

38. Where do you live?

I call my home Louisiana. It is not safe to reside on my property, and Vicksburg is my residence at present.

39. Have you been here for some time?

Yes, sir; I have been here mostly for the last six or seven months.

40. On business?

Yes, sir.

41. You have been with me since you have been here?

Yes, sir, very much since you have been here. I did not know Colonel Field until the arrival in Washington of the Louisiana delegation. Feeling interested in the question which brought them here, I sought their acquaintance, and they were kind enough to extend an invitation to me to visit them at their rooms, at all times, without ceremony. Having few acquaintances in this city, I spent most of the time with the delegation, at their rooms. During the first few weeks they were here, I found Colonel Field laboring assiduously at his duties, as member elect from the State of Louisiana. I found him always steady, always amiable, until a short time before this unfortunate occurrence.

42. Did you ever see me out at night?

No, sir.

43. Did I not always refuse to go out?

Yes, sir. I found you laboring assiduously at your duties, in your room; and I saw you constantly, with the exception of a short period, when you left for the purpose of joining your wife, in Ohio.

44. State in reference to my condition since I saw you at Williards'.

I made a short trip to Memphis, and on my return I found Colonel Field in an excited condition, mentally. I talked to him freely and repeatedly. On one occasion he told me that he was laboring under a depression of spirits, and remarked that I did not know what he felt. His feelings were in so excited a condition that he shed tears. I do not recollect whether it was on that occasion, but it was soon afterwards, he said that he kept a dose of strychnine, and threatened to kill himself. He was drinking a little. I do not think Colonel Field knew at the time what he was doing. As was stated by Mr. Browning, I looked upon him as an insane man. It was necessary, and I should have advised, that he should be watched. I was anxious that he should be kept out of the public view. Had I not been physically incapacitated, I would have sat up with him; and I would have done so if I had not believed that he would have been attended to by his personal friends.

45. Did you ever see me with arms?

I never did.

46. Did you ever see me with this pocket-knife?

I saw you with that, or one like it, very frequently. You are in the habit of twirling it in your hands.

By the chairman:

47. At what time did you find Colonel Field laboring under such depression of spirits?

Not exceeding two days before the occurrence. Nobody could regret it more than we, from the State of Louisiana, did. I suggested that the delegation should get together and discuss what was best to be done. I went to Colonel Field, and as soon as I spoke to him he said, "I never want you to speak to me again." It was said in a decided manner. I was not offended, knowing his condition. "Just as you please, Colonel; you are not in a condition to get into a quarrel with."

MONDAY, *January* 30, 1865.

Members present: Messrs. Beaman, chairman; Rollins, Robinson, Baldwin, and Townsend.

H. A. CHADWICK called, sworn, and examined.

By the chairman:

48. Do you know anything of the difficulty which occurred at Willards' hotel between Judge Kelley and Judge Field, on the evening of the 20th instant?

I do not know how it originated, or anything of the kind. I was sick in bed at the time, with a bad cold.

49. Did Colonel White, of Philadelphia, or any other person, make a suggestion to you in reference to Colonel Field, on Thursday morning?

I only recollect that Colonel White told me that Colonel Field was a little tight, and that some of his friends had better look after him.

50. Were you informed by anybody that Colonel Field intended to attack any person?

I do not recollect that any one did. If I had heard that he would cut any of my boarders, I would have gone to him without hesitation. It seems to me, whenever there is any difficulty it always terminates in a hotel, and then we have to suffer censure for it.

By Mr. Field:

51. I have stopped at your house last winter and during this winter?

Yes, sir.

52. Have I been always quiet and peaceable?

Yes, sir.

W. H. PAINTER called, affirmed, and examined.

By the chairman:

53. Did you see Judge Field the morning after his difficulty with Judge Kelley?

I saw him in the lobby during the morning—I think about eleven o'clock. He was standing near the desk, and I was sitting near the heater. A young man came up to him, and talked about the affair of the previous evening. He seemed to labor under the impression, though I do not recollect the exact words, that he had done a brave thing. The young man, who was a perfect stranger to me, assured him he had friends around.

54. State his language as near as you can.

I cannot recollect particularly the language, but only the substance of it. Judge Field said that he had been insulted; and that he would whip any d—n member of Congress who insulted him, at any time. The conversation went on about his not getting into Congress; and he said that he was the only man who could represent that district in this Congress; that he knew his constituency, and knew exactly what he was doing. I remained there a few moments, and did not see him again until, as I was passing out of the hall, about a quarter to three o'clock, I saw Judge Field, in company with two or three other gentlemen, waiting for a carriage in the little lobby as you pass out of the eastern entrance to Willards'. He was again discussing the subject; and he again assured one or two of his friends, I do not recollect who they were, that it was one of the proudest acts of his life.

By Mr. Rollins:

55. Did he refer to this assault?

Yes, sir. He was then, as I subsequently ascertained, on his way to the office of the justice of the peace.

56. Do you recollect any of the remarks he made in the morning in reference to this assault?

None but what I have stated.

57. Did he speak of it in a boastful manner?

Yes, sir.

By Mr. Field :

58. Do you recollect who the person was that was with me that morning?

He was a young man, I should judge, from twenty-five to thirty years of age. I think he had on glasses. I never saw him before, and do not think I could recognize him.

59. You say he had on glasses?

I think he had on spectacles. I do not recollect having seen him before.

60. Have you seen him since?

I do not think I have.

61. You speak of my being in the lobby; do you know any of the persons who were with me at the time?

There were two or three persons with you; I did not pay much attention as to who they were. We were passing out through the lobby, and made a momentary halt.

62. Look around the room, and see whether any of those now present were with me at that time.

I did not pay much attention; there were two others beside yourself. I do not think I could recognize the other gentlemen.

63. Did you stop in the lobby?

It was but a temporary stop—for a minute or so—to let some one who was in the door get out. It is a narrow passage, and only one can get out at a time. It was but a mere momentary halt.

By Mr. Robinson :

64. Did the two persons you speak of get into the carriage with Mr. Field?

I am under the impression that they did; they were on the platform together, as the carriage was not ready. It was a blustering day, and I passed round the corner.

65. When was that?

The next afternoon, I think about 3 o'clock.

ROBERT V. MONTAGUE re-called and examined.

By Mr. Field :

66. Were you with me at the time I was in the corridor, when I got into the carriage?

I was.

67. Did you hear any such remark made by me as is stated by the witness?

I stood with you in the door at the time. I was going to see you. I attempted to expostulate with you, and it was then that you told me you never wanted me to speak to you again. There were several persons present at the time.

By Mr. Baldwin :

68. Was Mr. Field unusually excited at that time?

He was unusually excited. He had no reason to speak to me as he did, for I was certainly always kindly disposed towards him. I should not have been surprised, in his condition, to have heard him say anything.

By Mr. Rollins :

69. He may, however, have made the remark before you came up?

Oh, yes, I only say that I did not hear it.

By Mr. Robinson :

70. He was then laboring under the condition to which you referred yesterday?

Yes, sir; I presume there are very few of us, at our age, who do not understand the condition of mind of a man who had been drinking as he had been. I had a conversation with Mr. Field a few days before this occurrence, in which Judge Kelley's name came up. I had not an acquaintance with Judge Kelley at that time, but, in talking with Colonel Field upon the subject which brought him here to this city, he remarked to me that Judge Kelley had spoken to him and suggested to him to send back to Louisiana and get the legislature to pass

an enabling act for negroes to vote ; that he had told Judge Kelley there was not time to do that. I certainly saw no manifestation of any unkindness towards Judge Kelley in that conversation in which his name was introduced.

By Mr. Field :

71. Do you not know that I told you I agreed with Judge Kelley upon the principle of the intelligent freed persons which he spoke of being allowed to vote ?

I do not recollect that you did. If you did, it has escaped my memory.

TUESDAY, *January* 31, 1865.

Members of committee present, Messrs. Beaman, chairman ; Rollins, Robinson, Baldwin, and Townsend.

Major General N. P. BANKS called, sworn, and examined.

By Mr. A. P. Field :

72. How long have you known me, and where ?

I have never had any very intimate personal acquaintance with Colonel Field. I went to New Orleans in December, 1862, and ever since that time I have known him as a citizen of New Orleans, and as a gentleman of respectable standing at the bar. I was commander of the department of the gulf, and a great many cases of various kinds were presented to me for adjudication, such as cases of imprisonment, claims for losses sustained, and a variety of questions of that kind. Up to the time I left New Orleans I had occasionally seen Colonel Field in reference to such cases, and generally in a public and professional character.

73. State whatever you know in reference to my exertions there to contribute to good order and the peaceful disposition of cases.

In all his intercourse with me I found Colonel Field to be specially honorable, and specially mindful of the interests of the country. What I mean is this : some gentlemen of the bar asking for the release of persons, or asking for the release of claims, considered that they had rights, as professional men, to press and demand a hearing or a favorable decision of their suits. I have myself always regarded such questions as differing from purely legal questions ; I have considered them rather as political questions, and my general judgment was against granting such requests. There was a difference of opinion in regard to those matters among members of the profession, and some were more regardful of the interests of the country than the interests of their clients. Colonel Field always impressed me as a man who looked to the interests of the country in those matters. He always consented to my conclusions as to them, and did not press the cases beyond what was strictly right, and considered the general interest of all the parties concerned. He early made an impression on my mind of a most favorable character, regarding him as a citizen. I have known him in that way from the time I went to New Orleans up to the time I left, which was in October last.

He was always regarded as a warm supporter of the government. I never felt the slightest doubt of that in my own mind ; and in any decision or judgment I should have given upon matters he presented to me, I should have assumed that he was a loyal man—not merely from policy, but because he was impregnated with the spirit of loyalty. When I first went there, there were, occasionally, Union meetings. I did not attend many of them, but the first of them I attended ; and it was early in my service in Louisiana that Colonel Field attended one of them and made a very animated and earnest speech in favor of the Union.

There was a class of citizens there who believed then, as many of our citizens did in the north, that the loyal people of Louisiana had a right to go to the polls and elect representatives to send here, to be received or not, as Con-

gress should determine. Colonel Field was an earnest advocate of that policy, and never hesitated to show himself in their meetings, and in every proper way to urge that course; and I believe when some votes were given in November, 1863, for representatives in Congress, he was one of the persons elected to appear here.

As a member of the bar, and practicing in the courts of the States, he occupied a respectable position, and especially in criminal practice he enjoyed a pretty high reputation. I have never had any personal knowledge of him in those cases myself, but I have seen frequently articles in the public prints, speaking of him in the highest terms, so that I unconsciously came to class him in my mind as a lawyer of the highest character.

In social life he has been regarded as a liberal-minded, generous-spirited, honorable man, and had that popularity which comes to such men in all parts of the world. I do not know that I ever heard anything of him to indicate that he was an irascible or quarrelsome man. My impression of him was that he was a generous, spirited and honorable man, though, as I said before, I did not know him intimately.

Mr. Field belonged to that party which initiated measures for the organization of the government. He thought they had the right to elect men under the Constitution and send them to Congress, and he did what he could to impress that opinion upon the people of the State; but when measures for the reorganization of the government were initiated, he acquiesced and did all he could to favor the cause of reorganization, and did nothing to make trouble. After the State government was organized and nominations for members of Congress were made, he was one of the gentlemen named as candidate for the district in which he lived. On account of his general character, which I have described, and from his personal qualities, he succeeded in obtaining the nomination against a very good man, who was rather deficient in some of those personal qualities, but a man not less heartily in favor of the Union. He had not that hold upon the popular sympathy that Mr. Field had, and therefore he did not get the nomination.

74. Do not you know that it was against my wish that I was nominated? I heard Mr. Field say that he did not seek the nomination, and I think that may be justly said.

75. In your intercourse and conversations with me since you have been here have you at any time heard me express any harsh, unkind, or ill feelings towards, any one?

Not in the slightest degree. My intercourse with Mr. Field here has confirmed my belief that the opinion I had formed of him was correct. I have seen him often, and in his conversations he has always spoken with the highest respect of all persons here; and when he has spoken of his own case and the phases it presented from time to time, he has always spoken as a gentleman should.

I ought to say, perhaps, that he has been greatly depressed; that the course which his affairs were taking consumed more time than he expected, and he would say at times that a favorable result seemed more doubtful. That produced a depression of spirits that was very marked. I do not think I ever talked with him upon the subject when I did not tell him how much patience was required to attend to matters here, and how much time must elapse before he reached the end; that I knew the course of events better than he did, and that if he knew that as well as I did, he would not be disappointed at the delay. I saw this delay had produced a deep depression; but never a harsh word, never a bitter or violent remark, escaped from him so far as I know.

Perhaps I ought to say that I have heard it said that he would in his speeches sometimes get excited, and perhaps exceed in excitement and enthusiasm what ordinary men would, but I do not know that I ever heard from any source, or in any way, a reflection upon the honorable character of the man. I ought to

repeat that I have not known him with thorough intimacy. Our acquaintance has been of a public nature, but in that I could not very well misunderstand his character, nor could he impress upon me an idea of his character which was not correct. But I do not in the remotest degree palliate or justify the matters in which he has been engaged with Judge Kelley, a member of the House.

In reference to his loyalty I should have said that in his speeches he spoke not only very strongly for the Union, as strongly as most of us would, and debated the question upon general principles, but he also spoke in the most pointed and thorough manner in denunciation of the course of Slidell, Benjamin, and others of that class of men who ruled the State in its secession from the Union. He spoke of those men and of their course in a manner he could not have done had he not been a Union man from the start. He made a strong impression upon my mind when I first heard him, which was in the spring of 1863.

J. W. STANTON called, sworn, and examined.

By A. P. Field:

76. Where do you reside?

Now in Connecticut.

77. Have you resided in New Orleans?

I have.

78. How long?

Between thirty and thirty-five years.

79. When did you leave there?

I left New Orleans when the blockade commenced—the summer of 1861.

80. Did you know me there?

I did. I have known Colonel Field generally almost as long as I have been there.

81. State what reputation I bore there as a quiet, peaceful, and law-abiding man.

I have seen and known Colonel Field continually, and I never saw or heard anything against him. I have known him as an honorable and efficient citizen in everything he was engaged in. He was a good citizen, and I never heard anything to his discredit. He was a very energetic man, and, as General Banks said, he threw enthusiasm into everything he undertook.

82. You knew I was always a Union man there?

I know you were spoken of very much in the spirit of that angel who was said to be faithful among the faithless. I heard that expression of you, and though I was not present all the time of the secession movement, I heard of you continually as an active Union man, and I consider there is quite a difference between a Union man standing as you did, and one standing a Union man there now.

83. Did you ever hear of any threats of hanging me there?

I heard you were threatened. I read your speeches, and I never saw anything in your reported speeches, or heard anything from you, but correct Union sentiments.

EDMUND MURPHY called, sworn, and examined.

By A. P. Field:

84. Where do you reside?

In the city of New Orleans.

85. How long have you resided there?

Forty-eight years.

86. Were you a member of the convention of that State which framed the new State constitution?

I was.

87. How long have you known me?

Personally twenty-five or thirty years.

88. State to the committee what my reputation in that city is.

I have been very intimate with Colonel Field for a long time. I have known him as a professional man, and I have always considered him as the first criminal lawyer in the State of Louisiana. He was sent for from all parts of the State, and was esteemed and admired by all who knew him. I have been in his company a great deal, I may say every day, more or less, and I never saw him in any trouble before in my life. He has always been a peaceful and quiet citizen, and a strong Union man. I am myself, I believe, the only native-born citizen of the State, so far as I know, who did not take some part in the rebellion; but I never did, and being thrown among the Union men of New Orleans, I found Mr. Field a good Union man. I am told that he had to go to General Butler for protection. I know some remark is made in the history of Butler's life at New Orleans in regard to Colonel Field.

89. Were you frequently at my room at Willards' hotel when I was stopping there?

I was very frequently.

90. Did you ever hear me say anything unkind or harsh against any member of Congress?

I never did.

91. Did I not, as far as you know, always keep to my room night and day?

I never saw you out at night at all. You were always in your room.

92. State the condition of my mind, as far as you know, at this particular time?

I heard Colonel Field was sick, and I went to see him. I saw him two or three times before this difficulty occurred. His mind was in a condition I never saw it in before in my life. I cannot imagine the cause of it.

93. Did you ever know of my carrying arms?

Never in my life.

94. Did you ever see any arms in my room?

Never in my life.

JOHN C. JACOBY called, sworn, and examined.

By A. P. Field:

95. State your residence and employment.

I am at present chaplain at the Kalorama hospital. I was appointed by the President, and confirmed by the Senate.

96. How long have you known me?

I removed west in the spring of 1842, and at that time you were secretary of state of the State of Illinois. Afterwards I moved to the city of St. Louis, and you were practicing there as an attorney. Afterwards I met you in the city of New Orleans. In fact, I had been there before you came there. I saw you there, and introduced you to Governor Walker, who was at that time elected. That was at the time the legislature first met at Baton Rouge. I was at that time engaged on a weekly paper, and as the colonel took a great interest in that matter, he introduced me to some of his friends.

97. Was not my reputation in the city of New Orleans that of a quiet, peaceable, and law-abiding citizen?

So far as my knowledge goes it was; and as often as I came in contact with you and those with you, I never knew you to have been guilty of anything, and indeed I was astonished when I heard of this occurrence, and I could hardly believe it had occurred. I knew Judge Kelley very well, and I could not believe that two such peaceful men as they could get into a dispute.

CHARLES SMITH called, sworn, and examined.

By A. P. Field :

98. Are you a resident of Louisiana ?

I am.

99. How long have you been ?

Twenty years last December.

100. Are you one of the senators elect from that State ?

I am.

101. Did you know me in the city of New Orleans ?

Yes.

102. Did you travel on here with me ?

I left New Orleans with you ; we travelled together ; left on the same boat and stopped at Willards' hotel together.

103. And in the same room ?

Yes, sir.

104. Slept in the same room ?

Yes.

105. Did you ever see an arm about me ?

Never since we left the city. I have seen you frequently with a small pocket-knife in your hand. I believe you are noted for generally having a small pocket knife in your hand, which you were in the habit of twirling around by the blade.

106. Look at the knife I hand you and see if you identify it as the kind of knife I generally have, (handing to the witness an ordinary size pocket-knife.)

I should think it was a knife similar to that, but I would not like to say I identify a pocket-knife ; but a small knife, similar to that, is what I have seen you use in your hand. I have seen you in the streets in New Orleans with a knife in your hand similar to that.

107. Was it a habit of mine to have a knife in my hand ?

I have often seen you with a knife in your hand, holding it by the blade. I have often seen you with it in the city hall and on the streets.

108. Do you know anything about my reputation there as a quiet, peaceable, and law-abiding man ?

I have never heard anything to the contrary ; on the contrary, I have always heard of you as a peaceful and quiet citizen. I have never even heard of your having any difficulty in the courts of New Orleans in the course of your practice.

109. Do you know that I was always a good Union man ?

Yes, sir ; you have always borne that reputation. You were known as being among the best Union citizens of New Orleans. When I first came to New Orleans, a refugee from St. Mary's, I heard of you as a Union man.

110. State what my habits have been since I have been here ; do not you know that I was always strictly attending to my business in my room ?

Yes, sir, previous to this difficulty at Willards'. The day before and that day you were under a high state of excitement.

111. My question relates to time previous to that. Do you know that I was frequently in the habit of sitting up all night writing ?

Yes, sir. We roomed in the same room at Willards', and on " D " street we roomed in adjoining rooms ; and Colonel Field was invariably in his room at night while we were rooming on " D " street, and he was here at the Capitol during the day.

By Mr. Baldwin :

112. You speak of Colonel Field being excited. Was it customary with him to have periods of excitement ?

The excitement I saw Colonel Field laboring under at that time I had never seen in him before. I do not know that it is periodical with him.

113. During that excitement did his mind seem occupied with any particular persons or subjects?

I never heard him express anything against any particular individual. His mind seemed to be occupied with the affairs of Louisiana, but I never heard him use any language against any particular person.

By Mr. Rollins :

114. What reason did you assign for this undue excitement?

I do not know that I could assign any reason. I think Colonel Field had been indulging a little.

115. State the fact just as it was.

That is all I know.

116. Had he not been indulging freely in liquor?

I supposed he had.

117. Do you suppose that was the cause of the excitement?

I should attribute it to that more than to anything else.

118. Did you attribute it to that?

I did.

119. State your views with reference to this excitement under which he was laboring.

I should think it was owing to his having indulged in drink freely.

120. Do you know that he had been indulging in drink freely?

I did not see him drink, but I judged from his appearance that he had been drinking.

121. What were his usual habits in that respect?

So far as I know they have been uniformly steady; I have seen him drink occasionally.

122. How do you account for his indulging on this occasion to such an extent?

I do not know that I can account for it at all; I do not know the cause of his drinking.

By Mr. Townsend :

123. Did you notice any depression of spirits in him about that time?

I did.

124. For how long a period?

For several days prior to this occurrence. He seemed to be unusually depressed.

By Mr. Kelley :

125. Can you say that Colonel Field had not a knife that evening without the metallic ends which this knife has?

I cannot testify to the particular knife; I know that he was in the habit of carrying a knife about that size.

JAMES A. McDUGAL called, sworn, and examined.

By A. P. Field :

126. Are you acquainted with me, and how long have you known me?

I have known Colonel Field more than a quarter of a century. I have known him as a gentleman always, though we never agreed in political sentiment. One of the peculiarities of Colonel Field is that when he drinks at all he drinks deep, and becomes wild. Mr. Field came here last Congress, you remember, and asked for a seat. He came here again, elected to this session of Congress, and he thought, and so did all the Louisiana delegates think, that they had a right to claim their places in both the Senate and House. After the matter had been before the committee some time and discussed, Field said they were determined not to give him a seat, and that he was going home. He became irate and reckless, though he expressed no hostility to any one person, neither towards Judge Kelley nor any one else. Colonel Field's habit is not to drink, though he drinks once in a while; that has been the case ever since I have known him.

Having been rejected at the last session of Congress, and having been in the front of the fight in New Orleans in favor of the Union when they were all hostile there, he felt pained, and became irate, and under those circumstances he was not careful about how much he drank, and being under the influence of liquor, he would as soon cut me as he would Judge Kelley.

127. Am I a peaceful and quiet man?

One of the kindest and most peaceful of men.

By Mr. Beaman:

128. Have you ever heard of his using any violence before?

No, sir; not in twenty-five years.

129. Have you resided with him for twenty-five years?

I have known him for thirty years, and have kept the run of him most of the time.

PHILIP S. WHITE called, sworn, and examined.

By the chairman:

130. Did you have any interviews with Colonel Field on Wednesday or Wednesday evening preceding this occurrence?

Yes, sir.

131. State what occurred at those interviews which have a bearing upon this investigation.

I do not remember anything that occurred between Colonel Field and myself that would bear upon this case. I had several conversations with Colonel Field, he being intimately acquainted with some of my family. He talked with me frequently about his claim to a seat, but I cannot recall any one particular thing that he said.

132. What was Mr. Field's condition at that time?

He was perfectly sober and perfectly correct. I commenced conversation with him about matters in his own State, and that led to a conversation from which I learned for the first time that he had been sent here as a member of Congress. I asked him what his prospects were, and he said he thought his admission was very doubtful. He then went on to say that the only man in his way was Judge Kelley, of my State. He indulged in some severe remark about Judge Kelley's position, regretting it exceedingly, but at the same time paying Judge Kelley a very high compliment in regard to his ability and talent. I do not really remember anything Colonel Field said, or anything he said against Judge Kelley.

133. Do you say that at that time he appeared perfectly sober?

Perfectly, and I thought him very gentlemanly in his manners.

I left Washington for Philadelphia Thursday evening. I saw Colonel Field on Thursday afternoon about four or five o'clock. He had then been taking a glass. I had had three or four different conversations with him in regard to his claim, and in regard to Judge Kelley, but I cannot say that he abused Judge Kelley. He regretted Judge Kelley's position, and he may have indulged in remarks somewhat embittered.

134. Did he?

I do not think he did.

By Mr. Rollins:

135. Did he make any threats?

None.

136. Do you recollect the language he used?

No, sir.

137. State, as near as you can, the language he used at those interviews.

He spoke of Judge Kelley rather contemptuously; he said he had no doubt he should succeed if it were not for Judge Kelley, or some remark of that sort.

By Mr. Baldwin :

138. Did he state in what way Judge Kelley's opposition had been manifested?

I do not recollect. There were always one or two present when I talked with him.

139. Did he indicate in what manner he knew that Judge Kelley was opposed to his claim?

I do not recollect; I did not treasure up in my mind what he said; I looked upon it as the idle wind; I only remember that from the general tone and current of his remarks that he was very much opposed to Judge Kelley.

By Mr. Rollins :

140. Did he manifest a great deal of bitterness?

I think he did.

141. I understand you to say that he regarded Judge Kelley as the only material obstacle in the way of his being admitted to a seat in the House?

I so understood it.

By Mr. Townsend :

142. You said a few moments ago that he had been taking a glass.

On Thursday afternoon, when I left, I took a glass with him and three or four others, but I would not undertake to say he was under the influence of liquor to an extent that would amount to intoxication at all. I met the colonel every day for the two or three weeks I was here, until that day or the day before; I never saw him take a glass of liquor at any time. He was very quiet, and his manner was very much that of a gentleman.

By A. P. Field :

143. You remarked that you heard me speak very highly of Judge Kelley's ability?

Yes, sir.

144. Do you not remember that I said you were acquainted with Judge Kelley, and asked you to go and talk with him?

I believe you did, and you begged me to assure him that you had no feeling against him, and it was at that time that you spoke of his ability.

145. Did I not tell you that Judge Kelley and I had been on the same side of politics, and that only slight matter divided us?

I believe you did. I remember I said I was glad to hear you speak highly of Judge Kelley's ability, as your opinion, in that respect, coincided with my own.

146. You were here two or three weeks, and was considerably intimate with me in consequence of my acquaintance with your brother. Did you ever hear me utter any threats against any member of Congress?

I never did.

LEONARD MYERS called, sworn, and examined.

By the chairman :

147. Were you present at Williards' hotel, on the 20th instant, at the time this occurrence took place?

I was.

148. State what it was.

About 11 o'clock in the evening I went to the supper table in company with my colleague, Mr. O'Neill. Judge Kelley was sitting almost directly opposite to me, and Major Harper, who is now in the room, was sitting opposite Mr. O'Neill. At my left was Mr. Lamborn, to whom I was introduced that evening, and next to Major Harper, on the opposite side of the table, sat Judge Field. We had been in but a short time when Judge Field, leaning across Major Harper somewhat, said to Judge Kelley: "Judge Kelley, what do you intend to do with us? you are keeping us out in the cold." Judge Kelley appeared only to

bow his head in response to that; I think he made no direct answer. Judge Field, then addressing Judge Kelley, used words to this effect: "Why don't you toe the mark like a man," or "come up to the mark like a man;" to which Judge Kelley responded that he was in the habit of coming up to the line when one was made for him, but that the matter had not yet come up for his action, or words to that effect. Judge Field then said: "Damn you, you are afraid to reject us, and face your constituents afterwards." I watched Judge Kelley's face; he seemed to be getting very angry, but, somewhat to my surprise, made no reply, when Judge Field reiterated his last remark, "Damn you, you are afraid to face your constituents after voting against us." Judge Kelley then answered him in a low and not apparently excited tone: "Judge Field I shall not be ashamed to face my constituents after voting to reject a man like you—a man who behaves in this way in the presence of ladies." There were ladies on the same side of the table on which I sat. Judge Field then rose at once and said: "You shall give me satisfaction for this," and muttering something else, he walked away from the table.

We sat at the table full twenty minutes after this, and all went out together. Judge Field was not at the entrance of the dining-room, but with several gentleman a few yards distant in the hall of Willards'. When he saw Judge Kelley, however, he walked directly towards him, his hands down at his side; and when he reached Judge Kelley, at once, making some remark, seized hold of him by the lapel of the coat, and with the other hand struck at him. Judge Kelley raised his hand quickly, and thus warded off the blow, and with the other hand seized Judge Field about the collar, pressing it tightly to his neck, and held him at arm's length. In doing this he pressed Judge Field back a few feet, Mr. Field first having pressed Judge Kelley against the wall. Judge Kelley, as I thought at the time, and still think, behaved remarkably well. He raised the hand which was disengaged, and said to the bystanders, appealing apparently to those who had been with Judge Field, "Take this old man away or I will strike him." Again he repeated, "If none of you gentleman will take this man away I will strike him; I will knock him down." One of the gentlemen who had been with Judge Field then stepped between them. Judge Kelley relaxed his grasp, and Mr. Field looked exceedingly pale, either because, as I thought at the time, he had found his match, or, as I have thought since, he felt that he had done wrong.

I did not see any knife in Judge Field's hand, but noticed Major Harper standing very closely at his side, and saw that he was apparently withholding Judge Field's arm. I then noticed the blood trickling down Judge Kelley's hand. The judge said he would walk to the washstand and wash it off. I accompanied him there, and asked him what caused the blood to flow. He said he did not know, but on rolling up his wristband he at once, and very vehemently, said, "The villain has stabbed me." I then saw a cut across Judge Kelley's hand. A surgeon, who chanced to be in the house, was sent for, and he dressed the hand. Meantime Judge Field walked about the lobby of the hotel went into the drinking-saloon on several occasions, and looked defiantly. When the saloon closed, he, with others, passed through the office room of the hotel while Judge Kelley's hand was being dressed, and apparently left the hotel. We all accompanied Judge Kelley to his rooms, and that ended what I know of the matter.

I desire to state that I came here under a subpoena.

CHARLES O'NEILL called, sworn, and examined.

By the chairman:

149. Did you hear the testimony of the last witness?

I did.

150. Did you see the transaction spoken of by him?

I did.

151. How does your recollection correspond with his in reference to the occurrence?

Very nearly.

152. Do you know of anything pertaining to the case which he has not stated?

No, sir. I will say that this conversation with Judge Field at the table was intruded upon Judge Kelley. I did not see the knife. What I saw I should describe almost in the words of the last witness. My attention was called to Judge Field's having a knife in his hand by Major Harper having hold of his hand. I did not see the knife, but it looked as if he might have had something in his hand.

I appear before the committee in obedience to a subpoena, and the words used by the preceding witness are substantially the same I should use in testifying.

A. T. STONE called, sworn, and examined.

By the chairman:

153. What do you know about this occurrence?

I know nothing about the occurrence which actually took place, but I was with Mr. Field frequently during the three or four days previous to the occurrence, and within half an hour probably of the time of the occurrence. I was the first one with him, also, the next morning afterwards, and I can only testify in regard to his condition at that time.

At about half past eight o'clock of the evening this occurrence took place I went to the room of Colonel Field, as I had been in the habit of doing, and there found Colonel Field with Mr. Wells, Mr. Bonzano, and Mr. Kane. As soon as I came into the room I noticed Colonel Field was intoxicated, or appeared to be; and as soon as I took my seat Mr. Wells came and whispered to me, and told me that Colonel Field had some strychnine in his possession, and that he found it necessary for some one to remain with him and watch him, to see that he did not take it, as he had threatened to take his own life. During the hour I was in the room Colonel Field drank some two or three times whiskey and water, and insisted upon others drinking. I noticed at one time, as he took a drink, he opened a bureau drawer, put his hand upon something, took it out, and dropped something into his tumbler before he drank it. I did not know what it was, and did not know but it might be poison. I therefore immediately, as he was about to drink, arrested his drinking, until I discovered it was some sugar which he took out of a paper.

About half past nine o'clock, after having been there, I presume, about an hour, I got up to leave, as did Mr. Bonzano at the same time. Before doing so, however, I asked Mr. Wells if he was going to stay with Colonel Field; for if he was not, I would stay. He said he would stay with him, and therefore I withdrew.

I was with Colonel Field some day or two previous to this time, and noticed that he was, and had been for some days, in a state of great mental depression for some cause, I did not know what. I think it was some two or three evenings previous to this that he requested me to stay with him. His bed was small, and I could not sleep with him. But he said I must stay with him, and he would sleep on the floor. I said I had an engagement, and refused to stay several times. He had been drinking some, I think. When I insisted upon going he said, "Damn you, you shall not stay; get out of the room." It was my impression he was intoxicated, and he did not seem to know what he was doing.

On the morning after the occurrence I think I was the first one in his room, and he then told me what he had done. That was the first intimation I had of it. He said he was put under \$60,000 bonds to keep the peace—that he had

had a difficulty with Judge Kelley; and he seemed to have rather a vague idea of what he had done. I remained a short time, and went out to make inquiries.

By Mr. Rollins:

154. During these various interviews with Mr. Field, prior to this affair, did you have any conversation with him in regard to his admission to a seat as a member of the House?

Yes, sir; frequently.

155. Did he seem to be excited upon that point?

He seemed, and always had seemed, to doubt whether he would be admitted.

156. Did he speak of any members of Congress; and if so, of whom?

I heard him speak of Mr. Stevens, Judge Kelley, and several others, who he thought were opposed to him.

157. What did he say about Judge Kelley?

I do not know that I recollect any conversation particularly in reference to him, except, perhaps, of some promise he (Judge Field) had made that he would try to get the legislature of Louisiana to pass a law allowing freedmen to vote.

By Mr. Townsend:

158. Did you ever hear him make any threat in regard to Judge Kelley?

No, sir.

By Mr. Rollins:

159. Did you ever hear him find fault with Judge Kelley's course?

I heard him find fault with all those men who opposed him, but not particularly of Judge Kelley.

By Mr. Baldwin:

160. Did he seem to be angry from an apprehension that he might not be admitted to the House; did that point seem to excite him?

It is impossible for me to tell why he was excited—whether from domestic difficulties, political difficulties, or any other cause; but I should judge that that had a great deal to do with his condition, and was the cause of his drinking.

By Mr. Rollins:

161. You think the excited state he was in induced him to drink those few days more than ordinarily?

Yes, sir; I never knew him to drink anything but cider until up to two or three days previous to this. He might, perhaps, have taken something once in a while previous to this; but I noticed that he never took anything but cider.

By Mr. Robinson:

162. You speak of his being excited for several days, of his frequently talking about his seat, and speaking of certain men being opposed to him. In any of those conversations did he manifest any feelings of revenge, make any threats against anybody, or show any feelings of violence against any members of Congress?

Well, not until this time, and then not against any particular person, as I recollect. Some times he would burst out, and curse the whole fraternity, and curse me and Mr. Wells, his best friends.

By Mr. Rollins:

163. You say that up to that time you never heard anything of the kind; what do you allude to when you make that expression?

I said I never heard him make any particular threat, but at this time he did make some denunciations of men.

164. State what he said.

I cannot; he used profane language against the men who tried to keep him out.

165. Give us the substance of what he said.

I cannot, except that he used profane language against the men who tried to keep him out. He said, perhaps, "God damn them; they are trying to keep me out." But that was not said against any particular persons. Previous to

this time he mentioned the names of several men who were opposed to his admission—men with whom I was not personally acquainted.

166. Did he intimate any purpose upon his part to punish them in any way?

Not at all. I never heard him at any time make any threat. He damned me as much as anybody else.

By Mr. Baldwin :

167. In your conversation with him the next morning after this occurrence at Willards' did he express regret, or any sort of feeling, in reference to what had happened the night previous?

I think he told me this: that Judge Kelley asked him why they had not sent a decent man to Congress, and that for this he had assaulted Judge Kelley; that anybody would have done the same thing under the same circumstances, and he was glad of it. He was intoxicated then, as in fact I suppose he was all the day after, as the investigation before the justice of the peace would indicate.

By Mr. Townsend :

168. He said he was under bonds to keep the peace?

Under \$60,000 bonds.

169. You think he was intoxicated then?

I think he was as much intoxicated then, and all that day, as he had been previously.

By Mr. Robinson :

170. From what you saw of him a day or two prior to this occurrence, and the day afterwards, and judging from what you knew of him before, did he seem to be in a condition to realize what he was doing?

No sir; not at all. I know he had no occasion to curse me.

171. As a friend of Colonel Field, did you regard him as in a condition to be left alone for a day or two previous to this transaction?

No, sir; as I stated before, I promised to stay with him if Mr. Wells did not. I forgot to say, however, that Mr. Wells said he was about to give him another stiff drink to see if he could not get him to bed, so as to leave him.

By the chairman:

172. Do you think his condition, for two or three days about that time, arose from intoxication?

I think so. And then I know he took a great many drinks of whiskey, because I saw him.

By Mr. Rollins:

173. You were with him as one of his friends, and noticed the excited condition in which he was; what reason did you assign for it, in your own mind?

Why, as I stated before, he had for some week or two been laboring under a mental depression for some cause, and I presume that caused him to drink. I know he always seemed to think he should not be admitted, and it seemed to make him feel very bad. But I cannot tell whether that was the cause of his excitement.

By Mr. Robinson:

174. You say he was laboring for some time under a mental depression?

Yes sir; he was hypochondriac.

G. W. NOBLE called, sworn, and examined.

By Mr. Beaman:

175. State what you know of this occurrence, in addition to what has been stated by preceding witnesses.

Mr. Field was introduced to us by Mr. Wells, his colleague. I had been introduced to him the day previous, on the avenue. There were with us Mr. Fields, of New York, Colonel James Grant Wilson, and a Dr. Sanger, in the

government service at Detroit. We were at dinner, and were about through. Mr. Wells came in and introduced Colonel Field to us. We invited him to take a chair and take a glass of wine with us. He seemed to be very much excited, and the principal thing on his mind seemed to be General Butler's administration at New Orleans. He kept us at the table an hour with his conversation. This was about 7 o'clock of the evening prior to the altercation with Judge Kelley. I did not meet him again until about a quarter past 11 o'clock the next evening. He then came out of the supper-room and came up to me and the gentleman with whom I was conversing. Before he came up the gentleman said to me that Mr. Field had had a pretty spirited conversation in the supper-room with another gentleman. About that time Field came up and spoke to us. As he spoke he turned around, looking at the entrance to the dining-room, and remarked that he had been grossly insulted, and that he would allow no gentleman to insult him in the presence of ladies. About this time a gentleman came up, and I introduced him to Mr. Field. Mr. Field again commenced to state that a gentleman at the table had insulted him in the presence of ladies. I discovered that he was about in the condition he was in the previous evening, and I did not pay much attention to his remarks. He presently left us and went towards the dining-room. I soon heard some one say "Take him off," and turning around I saw the parties had hold of each other. I immediately went to them. By that time another gentleman had hold of Mr. Field, and still another hold of Judge Kelley, and they had been parted before I got up to them. When I came up I took hold of Judge Kelley and asked him to keep away from the man, as he was intoxicated. I urged quite strongly and insisted, and used some physical strength to move Judge Kelley away. He said, "Take the other man away; he is the man who committed the assault." I said, in reply, that he himself was too intelligent a man to allow such a man to meddle with him. I got him off ten or fifteen feet, but he persisted so strongly that I ceased and turned around and went to Mr. Field. He was addressing some conversation to two or three gentlemen, and I waited a moment and then spoke to him, and asked him to go with me into another room and sit down. He declined, and I told him I had something to say to him. I finally succeeded in getting him into a room adjoining the hall. I then told him that if I was in his place I would not follow this thing up any further; that there was probably some conspiracy to oust him from his seat. He remarked, very abruptly, that he would allow no gentleman to insult him in the presence of ladies. He got up and asked me to walk with him—to go out and get some fresh air. When we got to the hall he desired to turn down and go towards Judge Kelley. He insisted, and I told him that if he went that way I should not go. He went, and I separated from him. I afterwards saw Judge Kelley in the office, and saw the gash on his hand.

R. K. CUTLER called, sworn, and examined.

By Mr. Robinson :

175. Did you see Judge Field the evening of this occurrence, and one or two evenings previous thereto ?

No, sir; I know nothing about this occurrence.

176. You are not able, then, to state what the condition of Judge Field's mind was for a day or two previously ?

Not for one or two days previous thereto. I have known Colonel Field for the last seventeen years, and intimately for the last fourteen years, and I know his peculiarities.

177. What are they ?

He is very peaceable, quiet, and an honorable gentleman, except when he gets intoxicated, as he does occasionally, say once or twice a year; perhaps, in the last four or five years, three, four, or five times a year, and especially after

he lost his wife, a year or two ago. Family matters have had something to do with his mind, and he may have become intoxicated oftener than formerly.

178. Is Judge Field a widower?

No, sir; he has married again. He was married on Wednesday, and started for this city on the Tuesday following. He married a lady in Ohio. I have known Colonel Field as a most eminent criminal lawyer, and in his capacity as a lawyer he sometimes gets a little excited before the court; but among his fellow-citizens, friends, and acquaintances generally, he is as peaceable, quiet, and orderly a citizen as any in this Union. It is certain, to my knowledge, that he has never been in the habit of carrying a bowie-knife or a pistol, or any weapon whatever, unless you call this pocket-knife one.

179. Is he subject to fits of melancholy?

Yes, sir; and particularly since the death of his wife. I know he has two grown daughters, who live in the city of St. Louis, and that he has a grown-up son; and it is to my knowledge that this occurrence gives him considerable grief and mortification.

When Colonel Field drinks excessively he is wholly unconscious of what he does during the particular time that he is laboring under this extreme intoxication. I have known him for two days in that state of extreme intoxication that he was wholly unconscious of anything that transpired.

By the chairman:

180. Did you ever know him, at any time, resort to violence?

Yes, sir; on two occasions he offered to fight me, his particular friend. I do not, however, sanction what he has done, if reports be true, though I know nothing about the facts. On two occasions during the last two years, when in a state of extreme intoxication, he has offered to fight me, though I was a cripple and could not fight. He knew it well, but he was not conscious of what he was doing. I speak of this only as a fact. On the Monday or Tuesday preceding this occurrence I was aware that the colonel had commenced drinking, but I did not see him again until the Sunday evening or Monday morning following; and being so well acquainted with him as I am I saw then strong and unmistakable signs of extreme intoxication.

H. Rep. Com. 10—3.

SAMUEL NORRIS.

[To accompany bill House of Representatives, No. 753.]

FEBRUARY 10, 1865.—Ordered to be printed.

Mr. BOYD, from the Committee on Indian Affairs, made the following

R E P O R T .

The Committee on Indian Affairs, to whom was referred the petition of Samuel Norris, of California, beg leave to report :

That by an act of Congress, approved September 30, 1850, the President was authorized to appoint three commissioners to make treaties with the Indian tribes in the State of California, and in accordance therewith he appointed Messrs. McKee, Barbour, and Wozencraft. About the 1st of January, 1851, said commissioners arrived in California to enter on their official duties. Their instructions from the Indian Department at Washington were couched in very general terms, giving them large discretionary powers to negotiate with the Indians.

Under date of October 15, 1850, the Acting Commissioner of Indian Affairs says: "The board will convene, and after obtaining what light may be within its reach will determine upon some rule of action which will be most efficient in attaining the desired object, which is *by all possible means* to conciliate the good feelings of the Indians and get them to enter into written treaties. You will be able to judge whether it will be best for you to act in a body, or separately, in different parts of the Indian territory," and subsequently Mr. Lea, Commissioner of Indian Affairs, says: "What particular negotiations may be required it is impossible for this office to foresee, nor can it give any specific directions on the subject. Much must be left to the discretion of those to whom the business is immediately intrusted."

In the month of May, 1851, the commissioners divided the State into three districts, and one commissioner was assigned to each district—the middle district falling by lot to O. M. Wozencraft. During the months of May, July, August, and September, 1851, he concluded six treaties with a number of different tribes or bands of Indians in the middle district. The Hon. Messrs. Weller, McDougal, and Latham, in a letter to the chairman of the Indian committee, says:

"In the spring of 1851 the Indians generally throughout the State were at war with whites. The first measure adopted by the commissioners was to furnish the Indians with food, and stop the war by removing the cause, which did contribute largely towards putting a stop to war and opening the country to the miners."

Commissioner Wozencraft, to carry out the stipulations of the treaties, as also to feed the Indians, when convened in council to make the treaties, made three several contracts with Samuel Norris and Norris and Lovell, of the dates of June

9, October 1, 1851, and September 9, 1851, to furnish one thousand head of beef cattle and sixteen thousand pounds of wheat and wheat flour, to be delivered between the Cosumnes river and the upper Sacramento, when ordered by said Wozencraft, at the market prices at the places of delivery, to be paid by said Wozencraft as Indian Agent, by drafts drawn upon the Commissioner of Indian Affairs of the United States at the time or times of delivering the cattle, wheat, and flour.

From the evidence on file, it is manifest that the said Samuel Norris did make delivery of nine hundred and forty-seven head of cattle, in compliance with his contracts. The delivery of the residue is attempted to be proven only by the evidence of Wozencraft, while the delivery of the nine hundred and forty-seven head is established by the evidence of Wozencraft, Storms, Reading, and others. It cannot be ascertained by the evidence on file whether the cattle were all legitimately disposed of by the sub-agents or not. This fact should not, however, prejudice the claim of Norris, he having fully complied with his part of the contract when he delivered the cattle. Nor should the further fact that the treaties thus concluded were afterwards rejected by the Senate, for subsequently Congress adopted substantially the same policy, by collecting the Indians on reserves and feeding them. It is not necessary to discuss the legal question which governed the court of claims in rendering a decision adverse to this as well as the claim of Hensley, for there is no question that the beef for which compensation is claimed was furnished to officers of the government in good faith, and applied successfully to put an end to a war of extermination between the whites and Indians, in furtherance of the policy of Congress, nor is there a question that the government ought to pay for property so applied to public uses.

Drafts were regularly drawn in favor of said Norris and Norris and Lovell, by Wozencraft, to the full amount claimed in the petition of said Norris, and it does not appear that anything was ever paid on them.

After a careful examination of the premises, your committee, therefore, finds: *First*, that Wozencraft possessed extraordinary powers to make treaties, given him by the Indian Bureau, and that he exercised those powers in making contracts with Samuel Norris and Norris and Lovell. *Second*, that under these contracts nine hundred and forty-seven head of cattle and fifteen thousand six hundred and fifty-three pounds of wheat and flour, were delivered. *Third*, that drafts were drawn by Wozencraft on the Indian office in payment, but which were never paid, while the drafts issued to Frémont and Hensley, under precisely similar circumstances, have been recognized and paid by Congress.

The evidence in this case sustains the petition far better (in the judgment of your committee) than the evidence in the Frémont and Hensley cases, and, taking those as precedents, your committee are unanimous in recommending that Samuel Norris be paid fifteen cents per pound for nine hundred and forty-seven head of cattle, averaging four hundred pounds per head, and fifteen cents per pound for fifteen thousand six hundred and fifty-three pounds of wheat and flour, and herewith report a bill for that purpose.

S. H. BOYD.

AMENDMENT OF THE RULES.

FEBRUARY 8, 1865.—Ordered to be printed.

Mr. COX, from the Select Committee on the Rules, made the following

REPORT.

The Select Committee on the Rules of the House of Representatives report the following resolutions:

Resolved, That rule 74 be amended so as to add to the standing committees to be appointed at the commencement of each Congress, and to consist of nine members each—

Committee on Appropriations.

Committee on Banking and Currency.

Committee on the Pacific Railroad.

Said amendment to take effect from and after the close of the present Congress.

Resolved, That the following be added to the standing rules of the House from and after the close of the present Congress:

Rule —. It shall be the duty of the Committee on the Pacific Railroad to take into consideration all such petitions and matters or things relative to railroads or telegraph lines between the Mississippi valley and the Pacific coast as shall be presented or shall come in question, and be referred to them by the House, and to report their opinion thereon, together with such propositions relative thereto as to them shall seem expedient.

Rule —. It shall be the duty of the Committee of Ways and Means to take into consideration all reports of the Treasury Department, and such other propositions relative to raising revenue and providing ways and means for the support of the government, as shall be presented or shall come in question and be referred to them by the House, and to report their opinion thereon by bill or otherwise, as to them shall seem expedient.

Rule —. It shall be the duty of the Committee on Banking and Bank Currency to take into consideration all propositions relative to banking and the currency as shall be presented or shall come in question, and be referred to them by the House, and to report thereon by bill or otherwise.

Resolved, That from and after the close of the present Congress rule 76 be amended as follows: Strike out all after the word "consideration," in line 2, to and including the word "expenditure," in line 6, and insert in lieu thereof: "all executive communications, and such other propositions in regard to carrying on the several departments of the government as may be presented and referred to them by the House."

Strike out in line 1 the words "Ways and Means," where they occur, and insert in lieu thereof the words "*on appropriations.*"

Resolved, That from and after the close of the present Congress rule 77 be amended by striking out the words "of Ways and Means," and inserting in lieu thereof the words "*on appropriations.*"

AMENDMENT TO THE BILLS

Mr. Cox, from the Select Committee on the House, made the following

REPORT

The Select Committee on the House of Representatives report the following amendments:

Resolved, That the following be added to the standing committee on the subject of the amendment of each Congress, and in each of the

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M. F. BONZANO.—FIRST CONGRESSIONAL DISTRICT OF LOUISIANA.

FEBRUARY 11, 1865.—Laid upon the table and ordered to be printed

Mr. DAWES, from the Committee of Elections, made the following

REPORT.

The Committee of Elections, to whom were referred the credentials of M. F. Bonzano, claiming a seat in this house as a representative from the first congressional district in Louisiana, submit the following report :

The election upon which Mr. Bonzano claims the seat was held on the 5th of September, 1864. The number of votes cast was—

For Mr. Bonzano	1, 609
For all others.....	1, 456
Total.....	3, 065

This election derives its authority from the constitutional convention which commenced its session in New Orleans, April 6, 1864, which amended essentially and adopted anew the constitution of Louisiana, and, among other things, did on the 22d of July, 1864, divide the State into five congressional districts, in accordance with the number of representatives assigned to that State in the apportionment under the census of 1860, and ordered an election to be held on the first Monday of September, 1864, to fill the vacancies caused by the failure of the State hitherto to elect representatives to the present Congress. As the election under consideration derives its authority from this convention, a recital of the main facts connected with the origin and action of that convention becomes necessary to a proper understanding of the subject.

From nearly the commencement of the rebellion till the appearance of the federal fleet under Commodore Farragut before the city of New Orleans in April, 1862, the State had been overrun by the rebel armies, and the governor had traitorously abandoned his duty and post, leaving the people without loyal government, and delivered over to the rebellion. Upon the taking possession of New Orleans by General Butler on the 1st of May following, he issued a proclamation, in which, among other things, he invited “all persons well disposed towards the government of the United States” to renew their oath of allegiance, and promised to such the protection of the armies of the United States. Under this proclamation sixty-one thousand three hundred and eighty-two (61,382) citizens took the oath of allegiance before the close of the following October. Subsequently, as the rebel army retired from other portions of the State, and the federal army advanced and extended its lines, the citizens of the districts or parishes thus delivered from the restraint of the rebellion also promptly came forward and renewed their allegiance to the government of the Union. Soldiers, white and black, enlisted into the armies of the Union, and in New Orleans many of the citizens formed themselves into home-guards, to assist the federal authorities in case of an attack by the rebels.

As fast as new parishes were brought into the federal lines and the people in sufficiently large numbers renewed their allegiance, and recognized the authority of the United States, the military governor of the State appointed judges, justices of the peace, clerks of courts, sheriffs, constables, and other civil officers, and performed all the acts which legally and constitutionally devolve upon the governor of Louisiana. In all of which her loyal citizens acquiesced and rendered an unquestioned obedience.

Under a proclamation issued by the then military governor, November 14, 1862, an election was held December 3, 1862, for representatives in the 37th Congress from the first and second congressional districts of the State, under the old apportionment and the law of Louisiana as it existed before the rebellion. In the first, 2,643 votes, and in the second 5,117 votes were cast at this election. And the gentlemen claiming to have been thus duly elected presented their credentials to the last Congress, which, after careful examination and full discussion, admitted them to seats as members. The admission of these representatives to seats, and the opportunity which it gave to the loyal sentiment of the State to be heard and make itself manifest, had a most salutary effect upon the people of that State, and from that time the desire for a new State government and a resumption of State functions rapidly increased throughout all that portion of the State within our lines.

The major general commanding in the department of the Gulf, yielding to the pressure from all sides that he would give direction to some practical end to the efforts which this desire on the part of the people was prompting to reorganize and re-establish their State government, did, under the direction of the President, issue on January 11, 1864, a proclamation which is annexed to this report, inviting the people of Louisiana to participate in an election on the 22d of February of State officers under the constitution and laws of the State, except so far as they related to the subject of slavery, which were declared to be to that extent suspended and inoperative. Several orders intended to secure freedom of election and conformity as far as possible to the laws of Louisiana previous to the rebellion were issued by the general commanding, and the evidence is satisfactory to the committee that to the extent of the federal lines this election was general, conducted in good order, free from military or other control, and largely participated in by the people.

It resulted in the election of State officers by a vote of 11,414. At this election no person voted who was not by the constitution and laws of Louisiana a voter, except soldiers and sailors in the service of the United States who were citizens of Louisiana and in the State at the time of the election, to the number of 808. All who voted took the oath prescribed by the President in his proclamation of December 8, 1863.

These officers were installed on the 4th of March following at New Orleans, in presence and with the acclaim of a large concourse of people, estimated at 50,000. On the eleventh of the same month the commanding general issued another order, which accompanies this report, calling for an election of delegates to a convention for the revision and amendment of the constitution of the State. The governor by a proclamation joined in this call. All parties were consulted in reference to this election, and differed only as to the time of holding it.

This convention commenced its sessions at New Orleans, April 6, 1864, and adjourned on the 25th of July. The entire proceedings and debates of this body have been laid upon the tables of the members of this house. The most important changes in the constitution of the State proposed by it were those in relation to slavery. The following were adopted by it, as the first and second articles of the constitution :

TITLE I.

EMANCIPATION.

ARTICLE 1. Slavery and involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, are hereby forever abolished and prohibited throughout the State.

ARTICLE 2. The legislature shall make no law recognizing the right of property in man.

The proceedings of the convention were, by proclamation of the governor, submitted to the people for ratification or rejection on September 5, 1864, and were ratified without material opposition. The whole number of votes was over 9,000.

This constitutional convention, by an ordinance adopted, divided the State into five congressional districts, and directed elections for representatives to the present Congress to be held in them, on the 5th September, 1864. And in accordance with said ordinance, the governor issued his proclamation directing elections to be held in accordance with it. In pursuance of this ordinance of the convention and proclamation of the governor, elections were held in these several districts for representatives in this Congress; and in the first, M. F. Bonzano received 1,609 votes out of 3,065 cast. The governor gave him, accordingly, a certificate of his election, which has been presented to the House and referred to this committee.

The committee have heard Mr. Bonzano in his own behalf, as also Mr. Field, who claims to have been elected at the same time in the second district, General Banks, and others. The information and arguments submitted by them accompany this report.

This election depends for its validity upon the effect which the House is disposed to give to the efforts to reorganize a State government in Louisiana, which have here been briefly recited. The districting of the State for representatives, and the fixing of the time for holding the election, were the act of the convention. Indeed, the election of governor and other State officers, as well as the existence of the convention itself, as well as its acts, are all parts of the same movements.

It is objected to their validity, that they neither originated in nor followed any pre-existing law of the State or nation. But the answer to this objection lies in the fact that, in the nature of the case, neither a law of the State or nation to meet the case was a possibility. The State was attempting to rise out of the ruin caused by an armed *overthrow* of its laws. They had been trampled in the dust; and there existed no body in the State to make an enabling act. Congress cannot pass an enabling act for a State. It is neither one of the powers granted by the several States to the general government, nor necessary to the carrying out of any of those powers; and all "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, *or the people*." It is preposterous to have expected at the hands of the rebel authorities in Louisiana that, previous to the overthrow of the State government, they should prepare a legal form of proceeding for its restoration. In the absence of any such legal form prepared beforehand in the State, and like absence of power on the part of the general government, under the delegated powers of the Constitution, it follows, that the power to restore a lost State government in Louisiana existed nowhere, or in "the people," the original source of all political power in this country. The people, in the exercise of that power, cannot be required to conform to any particular mode, for that presupposes a power to prescribe outside of themselves, which it has been seen does not exist. The *result* must be republican; for the people and the States have surrendered to the United States, to that extent, the

power over their form of government in this, that "the United States shall guarantee to every State a republican form of government."

It follows, therefore, that if this work of reorganizing and re-establishing a State government was the work of the people, it was the legitimate exercise of an inalienable and inherent right, and, if republican in form, is entitled not only to recognition but to the "guaranty" of the constitution.

The attention of the committee has therefore been directed to the inquiry how far this effort to restore constitutional government in Louisiana has been the work of the people. Those engaged in the traitorous attempt to destroy the government form no part of that people engaged in the patriotic effort to restore it. The government is to be made, if at all, for and by patriots and not by traitors. In answering another and essential question, whether a government once erected in that State will be able to maintain itself against domestic violence, traitors must be counted, but not for their voice in making the government itself. As well might the inmates of a State prison be enumerated and consulted upon determining the character of a code of laws designed for their government.

The evidence before the committee, and all the information they could obtain, satisfied them that the movement which resulted in the election of State officers, the calling of a convention to revise and amend the constitution, the ratification of such revisal and amendment by a popular vote, and the subsequent election of representatives in Congress, was not only participated in by a large majority, almost approaching to unanimity, of the loyal people of the State, but that that loyal people constituted a majority of all the people of the State. Making proper allowance for those who have been driven out by the rebellion, have gone into its ranks, or perished at its hands, and also for the sparsely settled and in some parts barren character of nearly all that portion of the State still outside of the federal lines compared with the populous and rich and fertile portions within, there can be but little doubt of the correctness of these conclusions. The committee refer to the accompanying statements for the extent, character, and population of the portions of the State within and outside the federal lines.

The committee find from all the facts that this election was held under the auspices of a new State organization which has arisen upon the ruins of the old, in as much conformity to law as the nature of the case would permit—in which the loyal people throughout the State acquiesce—and at this moment in the full discharge of all the functions of a State government. They entertain no doubt of the ability of this government to maintain itself against domestic violence if protected from enemies without. About forty thousand loyal Louisianians, white and black, are now in the armies of the Union, a force amply sufficient to overawe any lurking discontent, or punish any open resistance within its borders. The committee cannot doubt that it is the duty of Congress to encourage this effort to restore law and order in Louisiana. The precedents are many since the rebellion commenced, of the admission of members where greater irregularities existed than in the present case. In the Louisiana case, in the last House, the committee held the following language, which was sustained by a very large vote in the House:

"Representation is one of the very essentials of a republican form of government, and no one doubts that the United States cannot fulfil this obligation without guaranteeing that representation here. It was in fulfilment of this obligation that the army of the Union entered New Orleans, drove out the rebel usurpation, and restored to the discharge of its appropriate functions the civil authority there. Its work is not ended till there is representation here. It cannot secure that representation through the aid of a rebel governor. Hence the necessity for a military governor to discharge such functions, both military and civil, which necessity imposes in the interim between the absolute reign of rebellion and the complete restoration of law. Suppose Governor Moore to be the only traitor in Louisiana: one of two things must take place. The people

must remain unrepresented, or some one must *assume* to fix a time to hold these elections. Which alternative approaches nearest to republicanism, nearest to the fulfilment of our obligations to guarantee a republican form of government to that people—closing the door of representation, or recognizing as valid the time fixed by the military governor? Are this people to wait for representation here till their rebel governor returns to his loyalty and appoints a day for an election, or is the government to guarantee that representation as best it may? The committee cannot distinguish between this act of the military governor and the many civil functions he is performing every day, acquiesced in by everybody. To pronounce this illegal, and refuse to recognize it, is to pronounce his whole administration void and a usurpation. But necessity put him there and keeps him there."

In another case, that of Andrew J. Clements, of Tennessee, the committee of the last House, after a careful examination of the whole subject, submitted a resolution, which was unanimously adopted by the House, in favor of his right to the seat he claimed, based upon the following conclusion:

"In conclusion, the committee, upon the whole evidence, find that on the day of election no armed force prevented any considerable number of voters in any part of the district from going to the polls, and that on that day, in conformity with the forms of law, two thousand votes at least were cast for the memorialist as a representative to this Congress, and none, so far as the committee know, for any other person. They therefore report the following resolution, and recommend its adoption."

The committee of the present House have had occasion repeatedly to state the same positions in coming to conclusions upon similar cases, in which they have been sustained by the House. They are strengthened in these conclusions upon a re-examination of them in the present case, and they therefore submit the following resolution:

Resolved, That M. F. Bonzano is entitled to a seat in this house as a representative from the first congressional district in Louisiana.

MINORITY REPORT.

The undersigned, minority of the Committee of Elections, to which was referred a certain paper purporting to be the credentials of M. F. Bonzano as representative from the first congressional district of the State of Louisiana, beg leave to submit the following views, dissenting from the report of the said committee as presented by the majority thereof:

Before proceeding to consider the facts presented by the meagre and unsatisfactory testimony produced before them, the undersigned deem it proper to suggest, briefly, their views of the condition of Louisiana, the true issue proposed for the consideration of this house, and the nature and amount of proof requisite to its proper determination.

The people of Louisiana, acting through their regularly constituted authorities, on the 11th day of December, 1860, ordered a convention and appointed the 23d day of January, 1861, for its assemblage. Pursuant to the act of the legislature an election for delegates was held and the convention met on the day fixed. On the 25th of the same month an ordinance of secession was adopted by a vote of 113 yeas to 17 nays, which, by authority of the convention, was submitted for ratification and subsequently ratified by a vote of 20,448 to 17,296, and afterward, on the 21st day of March, the same convention ratified the confederate constitution by a vote of 101 to 7.

In these proceedings, not only the regular authorities, but the people of Louisiana participated. In pursuance of the resolution of the people of that State acting through approved and organized bodies, the whole public property of the United States, including great treasure and vast quantities of munitions of war, was seized by public functionaries and transferred to the political organization styling itself "the Confederate States of America."

By official acts and resolutions the authorities of Louisiana, acting by force of the powers with which they were invested by the positive sanction of the people, declared the bonds which had theretofore attached that people to the government of the United States to be disrupted and their allegiance to be transferred to another sovereignty. The government created by them went into existence and full operation, and there was no other government in the State of Louisiana nor any other organized body assuming or pretending to exercise civil functions, executive, legislative, or judicial. Thus was established a government *de facto*.

The operation of this act was very different as affecting the people and government of the United States and the people and government of Louisiana. So far as the United States was concerned, and so far as her rights were to be affected, the act was wholly unconstitutional and void. It changed no relation of citizenship or allegiance, and her rights of jurisdiction and sovereignty remained unimpaired, only suspended in their exercise by the presence of a military power which prevented the operation of civil sovereignty and the enforcement of the laws through the civil magistracy. The necessity for the assertion of these rights by the suppression of armed resistance to her authority required a resort to force, and a manifestation of opposition by organized rebellion developed a condition of civil war, which to the ordinary incidents of sovereignty

superadded the rights of a belligerent power. Thus the State of Louisiana became subject to the laws of war, and, rebellion in that State being yet unsuppressed, there has hitherto been no government there recognized by the United States, except the commander-in-chief of the army, and no law except the military code.

Though thus inoperative and ineffectual against the government and people of the Union, the acts of the people of Louisiana were sufficient to work a radical change in their relations to their former State government. By their revolutionary but voluntary actions they disorganized their own political society, abrogated their former political institutions, and erected in their stead a government operated by a magistracy acknowledging no allegiance to our Constitution, but holding and administering their offices in derogation of and in hostility to the authority and laws of the United States.

By these disorganizing acts the sovereign power of Louisiana reverted to the loyal people of that State, and was held in abeyance until such time as by the suppression of the rebellion and the overthrow of the usurping authority they should be rendered capable to resume the functions of government through the organic action of the people, manifesting their will by their voluntary choice of a government republican in form, and subordinate to the Constitution and laws of the United States,

Whether this has been accomplished is the primary question to be determined, for until there is an organized State, there is no right or capacity to be represented in the Congress of the United States.

In the determination of this question the burden of proof is on those who seek for admission, or claim any benefit under or by force of the establishment of such pretended government. It is matter of public history, recognized and certified by the official acts and declarations of this government, that the inhabitants of the State of Louisiana were in insurrection against the United States, and that such condition still remains wholly unchanged or unaffected by any rescission or modification thereof.

Has evidence been presented which authorizes this house to declare that the people of Louisiana, by any proper mode of expression, have changed the status in which they were placed by their own acts and established a republican government? Such only is the form contemplated by the Constitution; such only has any title to representation on this floor; such only is the United States bound to guarantee or authorized to recognize.

The indispensable quality of such government is that it shall emanate from the people, and not only must it be derived from the great body, but their agency in its organization must have been voluntary. The idea of restraint is incompatible with volition. The government must not only rest on the consent of the governed, but that consent must not be procured by force or intimidation.

It is not sufficient that the result may show that a government apparently republican has been created, but the creation must be the exercise of a will unaffected by the presence of an overawing power.

The erection of a State government is a purely civil act. It has no affinity or connexion with martial law. The civil power is alone capable to distinguish or declare the fact of its establishment or the essential conditions of its existence. The Congress of the United States is the only body having authority, primarily, to recognize the government of a State. Neither the Executive nor any subordinate military commander has capacity to incept or consummate its creation. The undersigned do not insist that an act of Congress is necessary as a prerequisite to enable the people of Louisiana to form a government, but the judgment of Congress must be passed on the result of the action of the people, in the recognition of their act, before representatives can be entitled to admission on this floor. This house must be satisfied that their constitution is ordained in accordance with their deliberate and unforced will, before it can lend its

sanction to the act or recognize its validity. Two questions, therefore, are presented for consideration :

1. Did the great body of the loyal people of Louisiana, in fact, participate or clearly concur in the establishment of the government offered for recognition ?
2. Was their act the result of their deliberate will and voluntary choice, unprocured by military interference ?

If both these questions are affirmatively answered, then the State government set up by the convention of 1861 is entitled to be recognized ; if either is negatived, then there can be no pretence of right to such recognition or to the admission of representatives from the State of Louisiana.

In considering these questions it is matter of regret that the testimony before the committee was so limited, being confined to the statements of Major General Banks and A. P. Field, and the evidence of R. V. Montague and Luther V. Parker, all produced by and in support of the right of the claimants.

No one appeared to contest the recognition of the State government, or to dispute the validity of the credentials of the proposed members. The committee had, therefore, no opportunity to examine witnesses adverse to them, although it is well understood that there are many who dissent from the action pretended to have been had in Louisiana, and we are compelled to decide this grave matter upon the *ex parte* declarations of persons interested in, or manifestly strongly affected toward, the recognition of the government inaugurated by the convention. With circumstances so unfavorable to a proper exhibition of the facts attending its organization, the undersigned proceed to consider the two material questions proposed :

1. Did the great body of the loyal people of Louisiana concur in the establishment of the State government demanding our recognition ?

There are forty-eight parishes in the State of Louisiana, including the city of New Orleans. Of these, nineteen, to wit, Orleans, Ascension, Assumption, Avoyelles, East Baton Rouge, West Baton Rouge, Concordia, East Feliciana, Jefferson, Lafourche, Madison, Plaquemines, St. Bernard, St. James, St. John the Baptist, St. Mary, Terrebonne, Iberville, and Rapides, sent delegates by a total vote of about 6,500, leaving the residue of the State, or twenty-nine parishes, unrepresented ; and at the election for the ratification of the constitution, held on the 5th of September, 1864, being also the day on which representatives to Congress were voted for, the number polled, as returned to the committee, was about 8,000, of which some 6,500 were cast in the city of New Orleans alone, the votes in the fourth and fifth congressional districts amounting, in the aggregate, to 676.

This convention was composed of ninety-five delegates, of which number the parish of Orleans was represented by sixty-three, leaving to the country parishes the residue of thirty-two. The undersigned have no definite information of the number of votes polled in each parish, either at the election of delegates, or on the question of ratification, nor the number cast for the constitution, nor, if any, against it, but they are enabled to furnish some indication of the vote outside of New Orleans by the sparse returns which they gather from the journal of the convention.

It appears that the parish of Ascension, within our lines and neighboring to New Orleans, and which in 1860 had a white population of 3,940, elected her delegates by 61 votes ; that Plaquemines, with a white population in 1860 of 2,529, cast 246 ; and in the parish of Madison, the witness Montague was elected by a vote of 28.

It is admitted that elections were held only in the parishes included within our lines, and that these lines were the Tèche on the one side and the Amites on the other, comprehending the parish or city of Orleans, and the neighboring parishes on the Mississippi. To a question propounded to General Banks as to what portion of the State voted, his reply was :

"All as far up as Point Coupeè, and there were some men from the Red river who voted at Vidalia."

And in his statement he announces that—

"The city of New Orleans is really the State of Louisiana."

In 1860 there were 357,629 whites in the State, of whom 149,063, or much less than one-half, were in New Orleans, so that in no legitimate sense can it be said that it constitutes the State. It is incredible that there are not many loyal men, the test of loyalty being the willingness to take an oath of allegiance, who were entitled to suffrage upon the question of the formation of their government, but who, from the control of the public enemy, had no opportunity to vote. But assume the statement to be true, it is in evidence that there are not less than 13,000 registered and qualified voters in the city of New Orleans alone who have taken the oath prescribed by the proclamation of the President, and the vote cast at the ratification and the election for members of Congress demonstrates that not more than one-half the number of those entitled to vote in that city voted at that election, to say nothing of the residue of the State.

In the suggestions presented by General Banks to the Judiciary Committee of the Senate, he attempts to account for the meagre vote by the operation of three causes :

"1st. By the fact that no opposition to the constitution was manifested in public or private, and no special effort on the part of its friends was required to secure its adoption.

"2d. That, from the fact that much uncertainty existed as to the probable ratification of the form of government by the Congress of the United States, deterred many persons from supporting it who would gladly have done so had they known it to be in accordance with the wishes of the government; and,

"3d. From the belief that it was possible that the rebel authority in this State might hereafter be established, when persons participating in the re-organization would suffer in consequence of that act.

"These last considerations affected many perfectly well disposed and naturally loyal but timid persons.

"Had a contest upon the constitution been made by the opponents of emancipation, and had it been generally understood that the authority for organization would have been approved by the government of the United States, the vote in this election would not have been less than 15,000."

As to the cause first assigned, without intimating that General Banks does not speak according to his belief, in view of the testimony of Messrs. Field and Parker, who were doubtless better informed, the undersigned must be permitted to doubt the accuracy or extent of his knowledge; for it is unquestionable that there was much private if not public hostility to its ratification.

The other causes alleged are very striking, as demonstrating not the concurrence of the people, but exactly the reverse, and indicating a settled purpose not to have anything to do with the election. They found very sufficient grounds for not participating, and the undersigned suggest that they are fatal to the reasoning of General Banks.

Mr. Field felt the force of the objection on that point and endeavored to avoid it. In accounting for the paucity of the vote, he says :

"It may be asked, and with some propriety too, why did we not poll a larger vote? That was beyond our control. You see, the party representing the McClellan interest refused to vote. They would have no participation in the election. The party representing the interest of Mr. Durant would not vote for what they called a bogus government. We could not force them to vote. They were qualified, for they had taken the oath of allegiance."

Luther V. Parker, also, speaking in relation to the canvass, gives his experience and the result of his observation :

"The election was as fully canvassed as any, and those who wanted to speak

and oppose the adoption of the constitution, spoke as freely as they would at any other time or place. I was one of the speakers at the election for members of Congress, and I know the contest was a sharp one. There were all the elements of opposition brought to bear that could be and in every shape and form. The only thing that we had trouble with was, that there were certain parties there who would not vote either one way or the other.

"Question. By Mr. Dawes. Why?"

"Answer. They would not give any reason why.

"Question. Were they parties professing to be loyal?"

"Answer. Parties reputed to be loyal, and we had no reason to believe them to be disloyal.

"Question. By Mr. Smithers. What proportion of such men was there?"

"Answer. I cannot tell.

"Question. Was the number large or small?"

"Answer. Pretty large.

"Question. By Mr. Dawes. Who represented those men who declined to participate in the election?"

"Answer. I understood Durant and Fellows, and a few such men."

It is true that General Banks, in his statement, says in reply to the question as to what portion of the loyal people of Louisiana are represented by the views which Mr. Durant entertains:

"There are not enough to appear at the polls. It is a party of chieftains without an army."

But it is manifest that those who are better acquainted with the facts place a higher estimate on their numerical strength, since they allege their defection as one of the chief reasons for the smallness of the vote.

General Banks, in his statement to the Senate Committee, estimates the number of registered voters within the Union lines at from 15,000 to 18,000; so that not more than one-half participated in the erection of the new government, even of those within the lines actually held by the army, to say nothing of those who lived in all the State of Louisiana lying without our occupancy, and this, too, upon the supposition that every vote that was cast was in favor of ratification.

But it is argued that having an opportunity to vote, their refusal to avail themselves of the privilege was the fault of the recusants, and that they are bound by the acts of those who exercise the power of suffrage.

From this proposition the undersigned wholly dissent. Whatever force the suggestion might have in the case of the choice of representatives or other officers chosen at an election established by and held in conformity with an existing law prescribing such election, they are unable to perceive its application to the creation of a government and the adoption of a constitution emanating and deriving its sanction from the original action of the people, much less to an election ordered by the military power without warrant of law. On the contrary, it was, in their judgment, requisite to the establishment of such government that it should have received the support and sanction of a majority of the loyal people of Louisiana.

In his statement to the committee, General Banks directs attention to the topography of the State of Louisiana, for the purpose of establishing the fact that the lands capable of production are along the river banks, and that the larger portion of arable and therefore inhabited lands are within the Union lines, suggesting thereby the presence of population.

Unless he intended this inference, it is difficult to discover the pertinency of the allusion or the value of his observations in this behalf. In this suggestion he has been even more unfortunate than in relation to the number of votes.

By computation from the photographed map furnished to the committee, it appears that within the lines nominally held by the Union arms, there are

982,714 acres of improved lands, while in the parishes wholly outside, and over which there is no pretence of control, there are 1,574,307 acres. This result is produced upon a calculation most favorable to the claimants, since it embraces parishes, such as Rapides, Concordia, Catahoula, Avoyelles, and St. Martin's, which, while nominally within our lines of control, are really abandoned. From this computation the parishes of Bienville without and Assumption and St. Bernard within our lines are excluded, no data concerning them being furnished by the map.

Without pursuing this branch of the investigation further, the undersigned suggest that the first question should be negatively answered, and that, in view of the facts, it may be truly averred that the people of Louisiana did not participate or concur in the establishment of the government presented for recognition.

The second question is whether the government pretended to be formed was the result of the voluntary act of the people of Louisiana, unprocured by military interference.

This will be best answered by the history of its establishment, by the views of its authors, and its actual capability to effect the purposes for which civil governments are created.

It is testified by Major General Banks, and admitted, that the duty of organizing a government in the State of Louisiana was committed by the President to General Shepley, then military governor of New Orleans, and to Thomas J. Durant, an eminent citizen of that city; that, in pursuance of the power thus vested in them, they proceeded to some extent in the enrolment of voters and in developing sentiments of loyalty among the inhabitants. The work of reorganization not proceeding with sufficient rapidity to satisfy the Executive, in December, 1863, General Banks received a letter from that functionary, expressing his disappointment at the development of loyal feeling, and calling upon him to communicate the reason. To this letter General Banks replied that he could not explain the cause, but that if the President desired an enrolment of the loyal people, or a government organized, it could be done, and if the Executive would give him directions he would do it immediately. In answer to this proffer authority was conferred upon him to take such measures as he thought necessary to organize a loyal free State government by the people of Louisiana, without other suggestion or limitation.

The authority committed to the former agents of the President was revoked, and the trust was broadly and unrestrictedly confided to the major general commanding the department of the Gulf, the military representative of the commander-in-chief, ruling with absolute authority over the State to be reorganized, and of which State he declared that "the fundamental law was martial law." In pursuance of the authority, in execution of the trust, and in assurance of a complete redemption of the pledge made to the President, General Banks, on the 11th of January, 1864, issued an order for the election of State officers and indicated the 22d of February as the day of election, and subsequently, in consummation of the object with which he was charged, issued another order to which the undersigned call attention. In that order the following language is used:

"Those who have exercised or are entitled to the rights of citizens of the United States will be required to participate in the measures necessary for the re-establishment of civil government." "It is therefore a solemn duty resting upon all persons to assist in the earliest possible restoration of civil government. Let them participate in the measures suggested for this purpose. Opinion is free and candidates are numerous. Open hostility cannot be permitted—indifference will be treated as crime and faction as treason."

The undersigned regret that they have not a copy of the official order, but they have no doubt of the correctness of the quotation, as it is fully confirmed

by the statement of Major General Banks before the committee. He thus speaks in relation to the election, and the orders issued by him relative thereto :

"I appealed very strongly to the people to take a part in the election. I thought it was necessary, and I said what I thought was right—that the loyal citizen who refused to take any part in the measures necessary for re-establishing the authority of the government of the United States, or in its political institutions, could not be considered loyal, and had not an absolute claim to remain there. But it was never said to any man, 'You must vote;' 'You shall vote; if you do not you shall be sent away.' That idea was never enforced."

Let it be remembered that the question was not concerning the enforcement of obedience to the laws of the United States, it was not concerning the repression of hostility against its authority, but concerning the reorganization of their State government and the election of their municipal officers, which they had the absolute right to determine, and to which freedom of opinion and action was essential.

Let it also be remembered that, in his letter to the President, General Banks had declared that he could and promised that he would reorganize a State government in Louisiana; and that the purpose being so declared, the agent to effect it was the military commander, vested with complete control over the lives and fortunes of the voter, and holding in his hands the terrible enginery of martial law.

In view of these facts, it appears to the undersigned to be the veriest sophistry to declare that "it was never said to any man, 'you must vote.'"

The order finds its counterpart in the letter of Mason to the Virginia electors, with the additional incentive to obedience that the major general had at his command all the machinery of military commissions, provost marshals, and files of bayonets, to enable him to carry his threat of banishment into speedy and unappealable execution.

It is no answer that he did not do it—it is no palliation that he did not mean to do it—the threat was clear and unequivocal, the power to enforce it was present, and no man but the major general himself could venture to determine that he would not execute it. The invitation was irresistible; the effect, inevitable: people voted; Hahn was declared elected, and the promise of the major general thus far redeemed.

Immediately following the gubernatorial election, an order issued from the same inexorable authority, commanding the choice of delegates to a convention, appointing the day of election and the time and place of its assemblage. In pursuance of this command, delegates were chosen, and the first paragraph of the record of the debates indicates their judgment as to the source of their power. This journal commences by the statement:

"This day being fixed by the general order of Major General Nathaniel P. Banks, commanding the United States forces in the department of the Gulf."

At a subsequent stage of their proceedings, on page 614 of the same journal, one of the most active and apparently influential members, afterwards elected a senator and now applying for admission, arguing their capacity to punish for an alleged contempt, thus defines the origin and power of the convention:

"We are not only a convention of the State of Louisiana, but a military power—created and emanating from no other source than the military power, and existing by virtue of civil authority of the government of the United States."

With such high origin and unlimited power, it is somewhat ludicrous that it was powerless to arrest a simple citizen, but was compelled to request of General Banks to issue his order directing his provost marshal to take measures necessary to enable the sergeant-at-arms to bring a newspaper editor before the convention. So wholly dependent were they on the military authority, and so open in their acknowledgment, that they assembled at the command and sat in

the shadow of the sword of the major general commanding the department the Gulf.

Such and so directly under the instigation of General Banks being the reorganization of the pretended government, the undersigned invite attention to the question whether it is capable to fulfil the legitimate objects of its creation—the protection of the citizen in the enjoyment of his civil rights, in the maintenance of commercial intercourse, and the punishment of offenders against its own laws.

How far it is effective for the former will be manifest from an order issued by command of Major General Hurlbut, so late as December 21, 1864, and signed by Harai Robinson, colonel 1st Louisiana cavalry and provost marshal general. The order is in these words :

“Special Orders No. 145.

“1. The military approval on permits for plantation, family, and trade store supplies, when such permits do not exceed two hundred and fifty dollars, will in future be signed by order of the provost marshal general, by a commissioned officer on duty at this office. This signature shall be valid for all military posts and for the following parishes : St. Bernard, Plaquemines, Orleans, Jefferson, St. Charles, St. John Baptist, St. James, Lafourche, Terrebonne, and as much of Assumption and St. Mary as may be within our military lines.”

So utterly unready are the people of Louisiana for civil government, that it is not permitted to the inhabitants to traffic even for family stores without a military permit, within the parishes considered most loyal, and of these parishes there are only nine within the whole State in which such permit is available.

If such be its condition as to commercial intercourse among its own citizens, the undersigned suggest that the government is placed in even a more absurd view as to its helplessness in assuring protection by the punishment of offenders against its own laws. In proof of this they ask attention to the following order issued by command of Major General Hurlbut, dated December 27, 1864 :

“Special Order No. 349.

“3. Upon the official report of the attorney general of the State of Louisiana that the ordinary courts of justice are insufficient to punish the offenders named by him, and in consideration that the State government and courts of Louisiana owe their present existence to military authority, it is ordered that Michael De Courcey, Benjamin Orr, E. McShane, Y. M. Robinson, A. G. Pierson, and B. Wadsworth, for speculation and other offences, be sent for trial before the military commission now in session in the city of New Orleans, and of which Brigadier General B. S. Roberts, United States volunteers, is president, and that the attorney general of the State of Louisiana be admitted to appear before said commission as public prosecutor.”

What a conclusive refutation of the allegation of the existence of a government capable to maintain itself, and to fulfil the conditions of its establishment, and how absolute the proof as to the regard in which it is held by the military authorities ! The attorney general of the State supplicates the major general to supplant the majesty of the law, and to erect a military commission to try offences properly cognizable by the ordinary criminal tribunals ; and with cool complacency General Hurlbut accedes to the request, in consideration that the State government and courts owe their existence to military authority, and graciously permits the law officer to appear before the military commission to prosecute offences against the municipal code of Louisiana !

Surely it is mockery to designate such a government by the name of republic, or to dignify such a community with the title of a State.

Two points are pressed by General Banks with much earnestness as inducements to recognition :

1. The propriety of recognition as tending to develop loyal sentiments.
2. The danger that the inhabitants will invite French intervention.

With due respect, the undersigned fail to perceive the force of these suggestions.

Loyalty in Louisiana, in the main, consists of mere submission to the power having the present ascendancy. It is clearly and truly stated by General Banks that little reliance is to be placed on an oath of allegiance as a test of fidelity, and it is notorious that the major portion of those within the Union lines, and nearly all the delegates to the convention, took the oath of allegiance to "the Confederate States," and so long as their power was maintained in Louisiana, either voluntarily or compulsorily, demonstrated their faithfulness by obedience. Upon the occupation of New Orleans by the Union forces the same persons, with equal readiness, took the oath prescribed by the President's proclamation, and so long as we hold occupancy and control will remain faithful—but no longer. Should the rebel arms again prevail there, the great body will succumb and relapse into acquiescence in its supremacy.

The only effective mode is to suppress the rebellion in the State—to destroy the government at Shreveport—to take permanent occupancy of the country, and give such assurance of protection as will enable the people to rest secure in their demonstrations of fidelity. This is not to be done by the creation or recognition of improvised or impotent civil governments, but by the steady advance of the army, bringing the inhabitants under our permanent control.

When this shall have been done, the work of restoration and reorganization will be desirable and easy of attainment. Until it shall have been accomplished all schemes of reconstruction are futile, resulting only in the creation of *quasi* civil governments, wholly subject to military authority, and incapable of furnishing protection or insuring respect.

The suggestion of French interference and apprehension for the safety of New Orleans savors of the argument *ad captandum*.

The undersigned will be permitted to observe that France is affected by no consideration of the presence or absence of civil government in Louisiana. Without underrating the importance of the city of New Orleans or the navigation of the Mississippi, they suggest that their safety is better insured by naval armaments, well-appointed fortifications, and the bayonets of our gallant soldiers, than by the unsubstantial sovereignty vested in Governor Hahn. Foreign intervention has been prevented, not by considerations of national morality or the arts of diplomacy, but by the manifestation of the power and energy of the people of the United States, by her stupendous resources, by her wonderful invention in the perfection of the enginery of war, and by the prowess of her army and navy, rendering doubtful, if not desperate, the issue of any conflict on land or sea.

These are the instrumentalities upon which we must rely, not only for the safety of New Orleans but for the final suppression of the rebellion, until which time the question should be, not how soon States shall be reorganized and members be admitted on this floor, but how they shall be restrained from setting up governments without a people and proposing representatives without constituencies, to the danger of feeble legislation and the detriment of the republic.

In view of the facts elicited by the investigation of the matter committed to them, the undersigned submit the following resolution, dissenting from the report of the majority of the committee:

Resolved, That M. F. Bonzano, claiming to be a representative from the first congressional district of Louisiana, is not entitled to a seat in this house as a member thereof.

N. B. SMITHERS,
CHAS. UPSON.

TESTIMONY.

WASHINGTON, *December* 13, 1864.

Statement (under oath) of Major General Nathaniel P. Banks before the Committee of Elections of the House of Representatives of the United States, in answer to questions propounded by A. P. Field, claiming a seat in the House of Representatives from the second congressional district of Louisiana, and of members of the committee.

Question. (By Mr. Field.) I desire to ask you what portion of the people of Louisiana to the best of your knowledge are within the federal lines at this time, and was at the time of the formation of the new State constitution of Louisiana?

Answer. I should say, without any doubt at all, that two-thirds of the population of the State are within the lines occupied by our army, and possibly three-fourths.

Question. Do I understand you to say that that portion is now within the civil government of Louisiana?

Answer. Yes, sir; that is my opinion.

Question. What portion of the voting population is within the federal lines?

Answer. In the same ratio, perhaps much more. There are very few men who have attained the age requisite to exercise the right of suffrage outside of our lines. In the parish of Catahoula I am informed by one of the members of the legislature the male population was nearly extinct, all having gone either into the rebel army, the Union army, or living as refugees outside. And that is true in a great degree of all the parishes outside of the lines.

Question. State to the committee how many men enlisted or volunteered in your army in the parish of Rapides.

Answer. There was a battalion of light cavalry, numbering probably two hundred. I cannot give the number exactly. They were what were called the "Louisiana scouts."

Question. You were in New Orleans at the time of the election, were you?

Answer. Yes, sir.

Question. Was there any disorder, riot, or resistance at that election?

Answer. None whatever. It would be impossible that any election should be more orderly.

Question. Was there any military interference of any kind with the election?

Answer. None was ordered, and I do not think any existed.

Question. Did you hear of any?

Answer. None; not the slightest.

Question. What number of white soldiers has volunteered into the federal army in that portion of Louisiana within your lines?

Answer. Lieutenant H. C. Woodrow, of the regular army, the mustering officer who has had charge of that branch of the public service, informed me, just before I left New Orleans, that in his opinion there had been nearly ten thousand white soldiers in that State, but they were not all in what were called the Louisiana troops. A great number of them were in the regiments from the west and east. There is no perfect record, but I believe the statement made to me by that gentleman is correct; that is, that the number is very nearly ten thousand.

Question. Have you any means of ascertaining the number that have been enrolled under recent orders of yourself and others?

Answer. Under recent orders I have not, but in 1863, when an enrolment was made by my order, 23,000 were enrolled.

Question. (By Mr. Scofield.) Between what ages?

Answer. Between 18 and 45, under the conditions of the United States military law.

It may be well that I should make a general statement of my connexion with the formation of a State government in Louisiana, rather than to answer as a witness interruptions of the gentlemen claiming seats, as I do not like to consider myself merely a witness. I believe I stand wholly outside of the influences which affected the people of Louisiana, whether in selecting candidates or in electing officers, except so far as their action affects the general interest of the United States. Upon the condition of Louisiana I have quite a strong feeling, as gentlemen must see with whom I have talked. I believe it important that that country be occupied immediately by the government of the United States, and that those measures which are necessary for a permanent government should be established. The reasons for that course apply more strongly there than to any other portion of the country in rebellion.

I became connected with this matter without any purpose or object of my own. I assumed command of the department of the Gulf in December, 1862. I never knew why I was sent there, and I had no general instructions. The moment I arrived there, I gave such directions in regard to general interests as I thought the welfare of the country demanded. The political aspect of affairs was not one of these, and I never had anything whatever to do with that subject of my own choice.

The government had intrusted to Governor Shepley, the military governor, and to Mr. Durant, the attorney general of the State, the duty of organizing the loyal portion of the people there in such form as to enable them at the earliest proper moment to establish a State government. They being intrusted with that duty, I, having no interest whatever in it, took no part in it.

When the army moved into the Teché country, in September, 1863, with a view of entering Texas, if possible, from the Upper Red river, many of the people of that country came to me while I was in the field and expressed an earnest desire that some kind of a government should be established for them, they saying that they were destroyed first by one and then by the other of the armies. I never saw a people more earnest or honest in their wishes for the organization of a government. That was in a territory outside of our lines then and now. I told them, as I told everybody there, that the government could not undertake to establish political institutions where they did not intend to maintain their authority in the territory; that we were there for military purposes, and that the organization of a government was not within my intentions. I did not even advise them to take the oath of allegiance; for, in the first place, I did not place any great reliance upon such an oath, or regard it conclusive as to loyalty; and, in the second place, we could not remain there to protect them. Therefore, so far as my advice went, it was against their identifying themselves with the United States.

I wrote to Governor Shepley and to Mr. Durant before I returned, relating what I had seen, and earnestly urging them to take some measure for the organization of a government; because I thought that if the government would make a nucleus for the loyal people, it would immediately influence the whole people and territory of the State. I had that opinion then, and it is unchanged now.

When I returned to New Orleans I went to see Governor Shepley and Mr.

Durant and talked with them upon this matter, as being a duty of their own, and not mine. Governor Shepley was undecided as to the course to be pursued, and Mr. Durant was so entirely opposed, and saw so many objections to the measures necessary for the establishment of a government, that I was satisfied he would do nothing. I then gave him exactly the same ideas I myself afterwards adopted for the initiation of a government. I saw he was of such frame of mind as to the method to be employed that nothing would be done. He did not seem averse to the establishment of a government, but there was no precedent for it—nothing which would justify him in doing anything or justify the military commander.

At that time I had written to the President of the United States a letter which it might be well for me to submit to the committee, as showing my views of public affairs at that time. But I found those gentlemen so averse to taking any steps that I did not send the letter.

In December I received a letter from the President, saying that he had been disappointed in the development of the loyal feeling in Louisiana, that he had intrusted to the gentlemen I have named this duty, and that they had recently informed him that nothing had been done, and nothing was likely to be done, and he called upon me to know the reason. I may state that up to this time there had been not over two thousand men registered as voters. I replied to the President that that had not been my duty, that I had given the subject no attention, except talking to those gentlemen, and that I could not explain to him why it had not been done; but that if he desired an enrolment of the loyal people there, or a government organized, it could be done, and if he gave me directions I would do it immediately. I received a letter from him authorizing me to take such measures as I thought necessary to organize a loyal free State government by the people of the State, restricting me to that point, and giving me no general instructions beyond that.

I issued an order on the 11th January, 1864, *inviting* the people of the State who had taken what was called the iron-clad oath—that is, the oath in the President's proclamation—to vote on the 22d day of February following for State officers; and declared that the constitution of the State, except so much as related to slavery, would be considered in force by the military authorities from that time—it being merely a code of procedure for the election—and that the qualification of electors would be the same as that provided by the constitution and laws of the State, except that soldiers of the army who were citizens of the State, and had enlisted in the army or navy of the United States for its defence, would be allowed to vote in the districts where they belonged, notwithstanding a clause in the constitution of the State which provided that soldiers in the army and sailors in the navy should not vote at any election. I understood that clause of the constitution to apply to the regular army and navy existing before the war, and to mean simply that no man who resided there as such soldier or sailor two or three years, under orders, should acquire a residence thereby. I never supposed it meant that five or ten thousand men who enlisted in the army for the defence of their own State should be deprived of the privilege of voting in consequence of that service.

I should say that, while certainly from seven to ten thousand white men had enlisted in the army, only eight hundred voted on the 22d of February in all the precincts, and that in the election for the ratification of the constitution only eleven hundred voted. In the election on the 22d of February 11,600 votes were cast by the three parties representing all the different shades of opinion then existing there. In the same parishes within the lines of the army taking part in the election the ordinary vote for ten years previous had been from fifteen to sixteen thousand. The highest vote ever given in those parishes was in the election of 1860, when the country was just entering upon the revolution,

and then they gave 21,000. On the 22d of February the people of those parishes gave 11,400 or 11,500 votes.

The election was as quiet, as peaceable, and I have no doubt as honest as any election that ever occurred in that State; the canvass was pursued in the same way, speeches were made by all classes, all parties held their meetings, and the vote was cast without intervention or influence by the military authority. There was not a soldier by any order authorized to appear at the polls, or near the polls, or on duty during that day, on account of the election. The only order given to officers of the army was, that those officers, acting as provost marshals, should be directed to receive the votes and make provision for the election in the parishes outside of the city, where the commissioners may have failed to do their duty, or had not been appointed. But I do not think that any of them acted in that capacity. The commissioners of election were appointed in conformity with the laws of Louisiana, except that they were designated by State officers who received their appointment from the military authority of the United States. The citizens acting as commissioners were agreed upon after full conference with the leading men of all parties, and with their consent. An abstract of the laws providing for the appointment of commissioners of election will be handed to the committee.

The result of the election was declared by the secretary of state in accordance with the laws. I had given notice that while the constitution of the State of Louisiana and its laws, except so much thereof as related to slavery, were regarded as in operation, that immediately a convention would be called for a revision of the constitution; and after the election of the 22d of February a convention was called to reform, or amend, or revise the constitution; delegates were elected in the same way. There was no intervention of the military authorities, and no interference. The soldiers of the army voted on one side or the other, as they chose. At Port Hudson, which was a military post, every vote was given by the citizens of Louisiana who were soldiers, and was given unanimously for one of the candidates who was not elected. The same freedom existed at all the military posts.

Question. (By Mr. Smithers.) At how many parishes and places were polls opened at that election?

Answer. I cannot state the number of parishes or the number of election districts, but they were the usual districts fixed by law. The election was held at the places established by law.

Question. (By Mr. Smithers.) I desired to discover the number of places in which elections were held.

Answer. The election embraced all the territory held by the army. Twenty-three parishes generally voted, but I cannot give the number of election precincts existing in each parish. The election districts were the usual districts established by law before the rebellion. The election was participated in by the people, and without any interference or influence by the military power. Perhaps, except myself, the military men were averse to this. Many military men rely upon force, and do not regard this as a favorable way for re-establishing the government. For myself, I believe differently. I believe that the permanent peace of the country will be secured by giving to the people of these insurrectionary districts and States, so far as it can be done safely, the power, and by leading them to interest themselves for the welfare of the government which affects their individual and public interests. I would say that the reason I made the exception in reference to so much of the constitution and laws as related to slavery was not that I assumed to decide whether slavery was an institution of the State or not. The parishes we occupied had been excepted by the President by his proclamation, but the actual fact was that there was no person in Louisiana to whom those laws could be applied. Congress had declared that no officer of the army or navy should send persons back into slavery,

and therefore they could not do it. The owners, or the persons who claimed to be the owners of slaves, could not do it without disturbance of the public peace; and as a matter of fact, no law could be executed there. For that reason, and inasmuch as the laws were inapplicable to any persons there, they were declared for the time being suspended. This is about the whole statement of my official connexion with the subject of elections.

Question. (By Mr. Dawes.) How generally was this movement participated in by the loyal people within the lines?

Answer. Very generally. I stated, in my invitation to the people to participate in the election, that it was the duty of the loyal people to assist in the election of officers; that that was one of the practical modes of demonstrating their friendship for the government of the United States. As I said before, I did not consider the taking of the oath of allegiance simply as decisive. I appealed very strongly to the people to take a part in this election. I thought it was necessary, and I said, what I thought was right, that the loyal citizen who refused to take any part in the measures necessary for re-establishing the authority of the government of the United States, or in its political institutions, could not be considered loyal, and had not an absolute claim to remain there. But it was never said to any man, "You must vote," "You shall vote; if you do not, you shall be sent away." That idea was never enforced. The votes were voluntarily given by loyal citizens, who generally participated in the election.

The highest vote ever given in New Orleans was 10,000; in this election the city of New Orleans gave from five to seven thousand votes. In the city there are 9,914 enrolled and registered voters, with name and residence of each. The course of the government being unsettled, persons hesitated to commit themselves to this election. There has always an idea existed within the minds of a large portion of the people there that the government of the United States might be overthrown, and they do not like to be committed to a political measure under its authority. Hence some of them did not vote; but the mass of those who did vote are of the common, middle class, not of large experience in political affairs and in legislation, but interested in the government of the United States; and if it were assured to them that the authority of the government would be maintained there, they are to be relied upon as much as any persons. I should say that, with the exception I have named, there was a general participation in the election.

Question. (By Mr. Ganson.) Will you read the clause I have marked in the remonstrance signed by Thomas J. Durant and others, against the admission of representatives to Congress, elected in September last?

Answer. The clause is as follows: "That the said elections were ordered by the military authorities, and were commenced, carried on, and consummated without regard to the provisions of the laws of Louisiana, or of any other law, but were regulated by the will of the military commander only. That there was no proper enrolment of voters, or test of the loyalty and qualifications of the voters. That not one-half of the territory or population of the State participated in said election." That is only partially true. Mr. Durant does not admit that the military commander was authorized by the constitution of Louisiana to call an election.

Question. He says it was "initiated, carried on, and consummated without regard to the provisions of the laws of Louisiana,"

Answer. That is his point, that it was not done by persons authorized to do it by the constitution and laws of Louisiana, and that in other respects there was a departure from the laws. There was another departure, and that was in the basis of representation. The political power of the State had been given by legislation to parishes outside of New Orleans, and taken from the population in the city of New Orleans. The city of New Orleans was not represented in proportion to its population. That was done for the purpose of main-

taining the institution of slavery. New Orleans would have destroyed the power of the slaveholders long ago if they had had political power *per capita*. The power of the planters was in the system of representation, and in that respect I deviated from the constitution and laws; but that was in accordance with the instructions given to Governor Shepley and Mr. Durant by the government here. I took the instructions as they were issued to Governor Shepley, and they required him to apportion the population according to the white male population of the United States. It was also according to the unanimous wish of the loyal people. That was a departure from the constitution, but there could not have been a government established there which disregarded the population of New Orleans and gave the power to the planters outside.

Question. Slavery did not exist by virtue of a provision in the constitution?

Answer. No, sir. In regard to the words "carried on and consummated" I wish to say distinctly, and with a full recollection of the obligations under which I speak, that, excepting what was done by the military authorities in initiating the movement, they had nothing whatever to do with the election.

You will probably find that Mr. Durant takes the ground that the commissioners were not appointed in accordance with law—not that they did not follow the law, or that the selection was not according to law, but that the power that selected them was not the one provided by the constitution. I admit that, and, therefore, they were not in accordance with the law. It was a departure from the law necessary to initiate the movement. Martial law was the law of Louisiana at the time, and martial law being declared, it was impossible for anybody to set up a constitution for Louisiana or order elections. The governor had gone into the rebel States, as also other officers of the government.

Question. (By Mr. Ganson.) I understand that those persons who have come here applying for seats were elected at an election set on foot by the government.

Answer. Yes, sir. After I had ordered an election for members of a convention to frame a constitution I had no further direction in the matter. I scarcely knew what was going on. I did not follow, except in its general policy, the proceedings of the convention. That convention framed a constitution, and they authorized the districting of the State for representatives. They also ordered the election of a legislature, in accordance with provisions of the constitution which they had framed. The convention districted the State for representatives according to the census and laws of the United States, and the governor ordered an election for representatives, and these gentlemen claiming seats were elected at that election, the order of election being without the intervention of the military authority in any way whatever. No soldier appeared at the polls except those entitled to vote, and there was nothing whatever that could disturb the sensibility of any person. The governor and State officers were chosen on the 22d of February, and early in March—I think the fifth—the election for delegates was held.

Question. (By Mr. Dawes.) Under the order previously issued by you?

Answer. Yes, sir; and upon general consultation with men of all parties.

Question. (By Mr. Dawes.) And then the governor took the whole direction of affairs into his own hands?

Answer. Yes, sir; In order that all parties might be represented in that matter, I appointed a commission composed of three men representing the different parties, who were instructed to consult with their own friends and political associates, and ascertain what was the general wish as to what should be the basis of representation; for instance, whether according to the old constitution or according to the white male population. They made a report, which I followed almost exclusively, in the order for the election. Mr. Durant's party was represented on that commission.

Question. (By Mr. Smithers.) Among other things, that convention districted

the State and ordered the election of a legislature and members of Congress, and the election took place subsequently under that order of the convention?

Answer. Yes, sir; the election took place under the constitution of Louisiana, after it had been submitted to the people.

Question. (By Mr. Ganson.) I have seen it stated that Governor Hahn has been clothed with military power. Is that so?

Answer. After he was elected on the 22d of February, in order that his connexion with the government might be well understood, the President gave him a commission as military governor; so that he acts as military governor, subordinate in all military matters to the military authorities of the United States, while at the same time he has been delegated by the people of Louisiana to act as governor for them. I have a list of the soldiers who voted in those elections, which I will send to the committee, that they may see there was no intervention of the military authority in any way that was improper.

Question. (By Mr. Dawes.) What portion of the loyal people of Louisiana are represented by the views which Mr. Durant entertains?

Answer. There are not enough to appear at the polls. It is a party of chieftains with an army. In the first election they polled, I believe, about three thousand votes to some six thousand given to Mr. Hahn. Nearly all the gentlemen of that party who then voted for Mr. Flanders have since participated in the subsequent elections, and some of them are members of the legislature, and perhaps of Congress. Mr. Smith, elected to the Senate, was, I believe, a member of that party. At any rate, they have participated in the elections and government since. I am told that some of them are officers under Governor Hahn's government.

I believe these remarks represent to you very briefly my connexion with the election in all its bearings. I of course must concede that I had no authority to propose this election except the general instruction to assist the people in preparing a government of their own. It must also be remembered that nobody else had authority.

Question. (By Mr. Scofield.) These remonstrants, Thomas J. Durant and others, close their remonstrance by praying that the act of the last session of Congress, to guarantee republican government in the insurrectionary States, may become a law. Suppose that bill had been passed, could there have been any different practical result?

Answer. The result would have been precisely the same. I do not think it would have made one vote different in the election, though all the people would very readily have assented to all the provisions of that bill. And, in fact, in the measures taken to organize a government they anticipated it. Its provisions were adopted by the people of Louisiana without knowing anything that was in the bill.

Question. (By Mr. Scofield.) And the people would not have cared whether the government was inaugurated under that bill or under power emanating from the President?

Answer. No, sir; they had no choice as to how it should originate.

Question. (By Mr. Dawes.) What is your opinion as to the ability of the government to maintain itself there?

Answer. It is perfectly able to sustain itself against domestic opposition.

Question. (By Mr. Ganson.) They cannot guard against invasion, but can maintain their own authority?

Answer. Yes, sir; Louisiana has furnished from twenty-five to thirty thousand troops—more than fifteen thousand blacks, and nearly ten thousand whites. Those troops left for the defence of the State would defend it against invasion. But it would be easy to raise an army of fifty thousand, including the troops there, for the protection of the State.

My idea in regard to the organization of a State government has been, that

one of the measures necessary is, to remove beyond the lines people openly hostile to the government of the United States. Then you have a practical test of loyalty. Without some measure of that kind you have no practical test. As I said before, I do not regard the oath of allegiance a certain test of loyalty that can be controlled by others. It may be honestly taken and it may not be. In almost every case it is taken for the purpose of protecting property, and the people say that; say they were obliged to take it. Now, if you establish a government upon principles and measures just in themselves, in harmony with the ideas of the age, and of the large majority of the people of the United States, you have the power to say to every person, "You must identify yourself with this government; you must either participate in it—bear its burdens and acquiesce in its decisions—or you must leave." The moment this government is recognized by the United States, all the people will immediately, by some practical act, be identified with the government. You want a condition of things which will enable you to divide the people into two classes—those identified with the government of the United States serving on juries and paying taxes, because the government requires it; and those people who do those things unwillingly, or refuse to do them at all; the one class of people will remain, and the other class will remove.

As regards the amount of territory under our control, it is not a material matter. The city of New Orleans is really the State of Louisiana, but the territory we occupy is limited to lines convenient for defence. If necessary to extend them fifty miles further west, or a hundred miles further north, we could do it without trouble, though it would require more force. We take the territory now occupied by the government because it is convenient for defence.

Question. (By Mr. Smithers.) What portion of the State of Louisiana voted?

Answer. All, as far up as Point Coupé, and there were some men from the Red river who voted at Vedralia.

Question. (By Mr. Smithers.) Then, if I understand you, it was the city of New Orleans and the river parishes that voted?

Answer. No, sir, not exclusively, because they voted down to Berwick bay, and in other parishes off the river.

Question. (By Mr. Dawes.) Is there any reason why, as connected with the political relations of the government, we should make haste to take Louisiana in?

Answer. My own view is that there are urgent reasons. The moment this question is determined, the people of the north and east will go to Louisiana to settle. The men who leave the army will settle down there. All those large plantations will be broken up into small farms, and worked by small cultivators. Louisiana lies at the mouth of the valley of the Mississippi; it controls twenty-seven thousand miles of inland navigation, and, through the gulf of Mexico, is opened to all the seas of the world. It is the most important geographical position on the continent. The city of New York on the right and San Francisco on the left are the coequal powers. Now, the government of the United States should strain every possible power to hold this country by arms, and maintain its authority by establishing a population in sympathy with its policy.

Question. (By Mr. Dawes.) Why cannot that be done more effectually under military occupation than by an early attempt to establish a State government there?

Answer. Because military occupation beyond what is absolutely necessary is contrary to the spirit of our institutions. My opinion is that we are already drifting pretty strongly towards a military government, and it ought not to be increased. The United States government will never maintain its authority there by military force alone. Military power will retain it, but a permanent hold of the government upon it must be by the sympathy of its people. Those

people will not affiliate with the rebellion. If the government of the United States makes a treaty with Jeff. Davis, the people of Louisiana will appeal to some other power than to him. They will never go to the confederacy. Therefore it is much better that the United States should be the party having the sympathy of these people, and upon whom they rely for protection, than that they should go to France. It is impossible that the government shall ever give up the control of the mouth of the Mississippi, or that the people at the mouth of the Mississippi shall consent to become a part of the confederacy, even if its independence is acknowledged.

It is for these reasons I say the government of the United States should make friends of these people as quickly as possible, if it can be done without sacrificing anything that is right, or without incurring any risk.

The reason why that people will not consent to become a part of the confederacy is that they would be at the focus of perpetual war. You all know that the west will never consent that the mouth of the Mississippi shall belong to any other power, and therefore if the people of Louisiana ally themselves with the confederacy, they will be in the theatre of war all the time, and they will say, "Let us belong to a power that will support and defend us."

There is one other reason I should state bearing upon this subject, and that is, that France reserved a claim under the treaty of 1803 to guarantee to its people—what the empire still calls its people—the rights enjoyed by the people of the United States. Every American understands that that clause of the treaty has been executed; that its power is exhausted in admitting the State originally. But France may not. The people think they must have protection from somebody, for the reason I have stated; that if there is a war its weight must be upon them.

The people of France, believing that this government will break up, naturally turn their eyes to this country, which they would wish to occupy again. We have seen that manifested already in Mexico and on the Rio Grande, and it would be easy for them to come up from Mexico and occupy the west bank of the Mississippi. I know that idea pervades their minds; and I have reason to believe, also, that the government here has feared the possible intervention of French power in Texas, with the consent of the rebels, and that one reason for the recent occupation of Texas and the establishment of our flag there had relation to international affairs. These considerations make it necessary that we should look to the restoration of a civil government in Louisiana under the authority of the United States.

Question. (By Mr. Scofield.) How does the population of Louisiana now compare with that of 1860 in point of numbers?

Answer. This remonstrance speaks of our small occupancy of the State, as if the remainder of it were under the control of the confederacy, and as if our army could not enter it.

Question. State how that is.

Answer. I think this may be said: the population of 1860, as shown by the census, was 708,002, of which 331,726 were slaves, and 357,629 were whites, and the remainder free colored persons. My belief is, that the number of slaves may have been much exaggerated in the census for the purpose of increasing the political power. I cannot account for that population. From very careful inquiry upon that subject, I am constrained to believe that at this time the entire population of that State is not much more than 450,000, certainly not over 500,000, black and white; and two-thirds of them are within our lines. The territory occupied by the enemy is upon the upper part of the Red river, and that is all the territory they occupy. We have the material part of the population. The really valuable country is upon the rivers. The Red river is next to the Mississippi, and the Teché is the third. Every election district in the entire State was authorized to send a representative, based upon

the white male population. That was the order of the War Department, and that was the wishes of the people. Every county, therefore, was nominally represented in the convention. In our lines we had a majority of the whole, and there was a majority of all the members, supposing every district to have been represented, in favor of the constitution adopted.

Question. (By Mr. Upson.) Is there any basis upon which we can estimate the probable population of each congressional district, as districted by the convention?

Answer. There was an apportionment made by the convention. It was not within my province. In the upper districts the recent vote must have been very sparse from the nature of things. The vote which existed there in 1860 no longer exists. In the Catahoula district there is scarcely a single able-bodied white man—all having gone either into the rebel army, the Union army, or are refugees outside of the parish. That parish once gave a thousand votes; now they are not there.

Question. (By Mr. Upson.) The representation was based upon the population of 1860?

Answer. Yes, sir; but the country is now desolated by the armies frequently having passed over it. The white people are gone, and the black people are gone; the rebel and the Union armies have been over that track six times. There is nothing left, and it is useless to talk about there being a population there to be represented.

Louisiana differs from all other territory, from the fact that its formation is still imperfect, because it is formed by the rivers. The cultivated lands are on the rivers, and back of that generally wet lands.

I am prepared to say, without qualification, that the election there has been the work of the people, absolutely, and that there has been no control whatever exercised by the government of the United States, or by the military authorities. I desire to make that statement just as broad and strong as I can make it, and these gentlemen who are claiming seats will tell you whether they concur in it.

Question. (By Mr. Dawes.) Are there any other views you desire to present?

Answer. The consequences of rejecting the State government, of course, are uncertain, but it will much discourage the people, and break up the nucleus of loyal people which has already been formed, and to which the people, I understand, are more than ever willing to be reconciled. If it was a government imposed upon them, they would not remonstrate against it under the lead of such men as represent the government of the United States. While the government that exists had the authority of the military commander for the commencement of the work, on the other hand it had the opposition of the principal treasury officer there, showing that there was no absolute interference or control upon the part of the United States.

Question. (By Mr. Ganson.) Was there any necessity for clothing the civil governor with military power?

Answer. There was no necessity, but perhaps it was expedient.

Question. (By Mr. Scofield.) What do these remonstrants want to do?

Answer. I will tell you what led to the organization of the party represented by those men. It was the difference of opinion which existed as to what should be done in regard to negro suffrage. Many citizens of Louisiana did not want to make the action upon the suffrage question a test. They had not declared against it in any way, and they did not want to say that no man should participate in the election who would not say that he was in favor of universal suffrage. The principal political clubs in New Orleans declared in favor of negro suffrage, and only those were allowed to occupy positions of character who assented to that doctrine. That accounts for the fact that only a little more than two thousand men were registered in 1862. A more liberal policy being adopted will account for the fact that to-day ten thousand are registered, and that six

thousand of them have participated in the election. The convention showed that it had no hostility to any course of policy the government may take upon that question, because they have authorized the legislature to confer the right of suffrage upon any person, without regard to color or condition, who has served the country in its armies, &c. It provided for the education of all the negro children upon equality with white children, and for the enrolment of all the able-bodied black people in that State. Those provisions have been ratified by the people of the State.

Question. (By Mr. Dawes.) In what does that action fall short of what these remonstrants desire?

Answer. I do not know; I doubt whether those persons would have gone further than to have left the matter with the legislature. All these were matters in which I never participated, and was not present at any of their caucuses. I have been present at public meetings, but never to speak or take part, but simply as a spectator.

WASHINGTON, December 14, 1864.

Remarks of A. P. Field (claiming a seat in the House of Representatives as a representative from the State of Louisiana) before the Committee of Elections.

Mr. Chairman and gentlemen of the committee: It is with some little embarrassment, I must confess, that I proceed to a task which I consider one of the greatest difficulty. The subject of the admission of members of Congress from what is called the rebellious States is a subject which has engaged not only the attention of Congress, but it appears to have pervaded with interest the people of the United States. It involves questions by no means free of great difficulty, because we have no precedents to guide us in the course we should pursue. I shall proceed, however, to present this case on behalf of myself and my colleagues in the manner in which I think it ought to be candidly and impartially viewed. I imagine the only difficulty which will be found in the way will be the arguments set forth in a memorial which has emanated from our own State; and if I satisfy the committee, as I hope I will in my humble way, that that memorial presents no insuperable barrier, no well-founded objection to admitting the delegates from the State of Louisiana under our present constitution and organization, I think I shall have accomplished all that is necessary to enable you to come to a proper and just conclusion so far as regards the rights of Louisiana under her present form of government.

Let me, however, go into a review of the course pursued by the memorialists since the occupation of the State by the federal authorities. In the latter part of 1862, when Governor Shepley was appointed by the President of the United States military governor of Louisiana, the gentleman who originated this memorial (Thomas J. Durant) was appointed attorney general of the State of Louisiana. Such was his commission and such was his office. His commission issued from the military governor, commissioning him, as attorney general of the State of Louisiana, to perform all the duties of that office in conformity to the laws and constitution of the State of Louisiana. In that capacity he appeared before our courts; in that capacity he prosecuted criminals; and in that capacity he gave advice and counsel to all the officers of the State to whom it was his duty to give it under our laws. Independent of his appointment as attorney general of the State—and I wish the committee to bear it in mind—he was commissioned by Governor Shepley as commissioner for the registration of the votes of the State—an office unknown to our laws; an office emanating from and established purely by the military authority, having no countenance for its origin in the laws of the State.

He proceeded, as you were told yesterday by the commanding general of the department of the Gulf, (General Banks,) in the execution of that office, to register the votes, and, as you will see if you will refer to the document presented by me last Congress, he undertook, of his own will, to abrogate and suspend that portion of the constitution which required a residence of twelve months in the State. I especially directed the attention of the committee, last session, to that extraordinary exercise of power upon the part of even a subordinate of the military governor. He abrogated or suspended that portion of the constitution, and only required a residence of six months. And now we have the extraordinary allegation on the part of these memorialists, or of Mr. Durant, that all the acts and proceedings which have taken place since I was here before, in regard to the elections which have been held, are void, because they emanated from military authority. And he proceeds to argue, in his memorial, upon false premises. Take the first part of it, and you will find that he justifies, in some degree, a call of the convention by the legislature convened under Governor Moore. That was not the mode pointed out by that law for the assembling of a convention. It was a total and entire departure from the principles of our constitution that the legislature took upon themselves to call directly a convention, when the constitution had provided a different mode to amend it. Eighteen months ago he declared the broad ground that the State had gone out of the Union and had become a State; and now, in this memorial, he says that the State still exists; that it is a State *de jure*, but Moore took it out *de facto*.

Now, let me call the attention of the committee to one remarkable feature of this case, so far as regards our State. So far as the loyal people of Louisiana were concerned, we were not at all wedded to any one mode of coming into the Union. We would have taken any; and if your bill of the House of last session had been passed by Congress, devising any form, mode, or plan by which we could come here and claim our constitutional rights as loyal people within this Union, we would have been content.

And here let me refer to the proceedings of a McClellan meeting, held at the St. Charles hotel, in New Orleans, recently. I have an account of the proceedings of that meeting, and here is one of the resolutions they passed:

“*Resolved*, That any attempt to change the organic law of any State, as it existed before the passage of the ordinance of secession, until peace shall be restored, or then in any other manner than that pointed out in the constitution itself, whether done by act of Congress, or by presidential proclamation, or under military order, is as much revolutionary in its character, as little binding on the people, and as much to be condemned as the act of secession itself.”

Now, a large portion of these people are acting together in this manner. They condemn every mode, and Congress cannot pass an act, or the President issue an order, without its being condemned by them. And they say there is but one mode, and that is that the people themselves must act independent of any authority of Congress, or of the President of the United States, or any officer in command of the department there. That is a resolution passed by a very large and respectable meeting, held at the St. Charles hotel since the election has taken place in our State for congressional delegates, and it has gone forth to the people that they are opposed to all plans of coming back into the Union, unless that plan commences after peace has been restored, and unless it has its origin in the people themselves—nothing more or less.

I have stated to you the peculiar position in which Mr. Durant has involved himself, the inconsistency of his course, and the difference between his views now and what they were twelve months ago. But, sir, in confirmation of what was stated to you by the commanding general yesterday, let me refer to a speech made by one of our senators before the legislature. I refer to the speech of the Hon. Charles Smith. He says:

“Now, let us see what these acts are that place themselves side by side with the great crime of secession. The first that presents itself is the order of Major General N. P. Banks, at the request of a large and enthusiastic mass meeting of the loyal people of Louisiana, held at the St. Charles theatre, in this city, on the 8th January last, 1864”—during the time that I was here endeavoring to persuade Congress that they ought to admit me to a seat—“which was addressed by our learned and eloquent fellow-citizen Thomas J. Durant, esq., asking him (General Banks) to restore to the *loyal* people of Louisiana their constitutional rights, which had been wrenched from them by the leaders of the rebellion.”

This is in confirmation of what the commanding general stated yesterday, that he had been waited upon by the different parties of that State, particularly in New Orleans, for the purpose of imploring him to take some step to enable the people of Louisiana to be restored to their former rights.

Now it is an important inquiry—because the doctrine prevails, to some extent, that we are out of the Union, and have become a territory—has the government of the United States so determined it?—has Congress so determined it?—has any branch of your government so determined it? On the contrary, has not every branch of your government recognized the State of Louisiana? For example, did not the Senate pass upon the nomination of the district judge of the United States for the State of Louisiana? And more than two years ago did not they pass upon the nomination of the district attorney for the State of Louisiana, and of various other officers who have been installed into their offices, and are now executing their duties under the laws and constitution of the State of Louisiana? I ask you if that is not higher authority than the authority which is spread before you in the shape of a remonstrance signed by the leader of the opposition and thirty other persons in a city of now 200,000 inhabitants?

If, therefore, we have been recognized as a State by different branches of the government—by the judiciary, by the executive, and by one branch at least of the national legislature—how does the matter stand? Some entertain the opinion that Congress must pass a bill to admit us. I dissent wholly from that doctrine, because there is no power under the Constitution which gives to Congress the right to readmit a State into the Union. Congress may admit new States into the Union, but she cannot readmit Louisiana any more than she can readmit Maryland or Pennsylvania, for she is classed as a State in all your proceedings, and in all your records and deliberations. I ask, then, where Congress derives the power to admit a State already in the Union? I have studied this question with all the humble powers I possess, and I have been able to bring myself to but one conclusion, and that is, that the State is still in the Union. It is there with all its original sanction, but the people in rebellion against the government have become traitors to it, and have forfeited many of their rights, and they may have overthrown their local political institutions. But when it comes to the great national question, I say that if that State does not exist, it is an acknowledgment upon the part of this government that the right of secession belongs to the States, and that they can change the relations which exist between themselves and the national government. I hold to no such doctrine. I repeat, Mr. Chairman, that I hold that no State can change its relations to the national government. Our governor may be a traitor, our legislators may be traitors, but how does that affect the relations which Louisiana holds to the Union under her constitutional compact with the government in her admission into the Union? How does it change her relations in regard to her sovereignty towards the government of the United States? The State is still there, though her citizens may be in rebellion. They may have forfeited their rights, and even their claims to the charity of this government, but still, when you come to speak upon the subject as a national question, there can be but one conclusion, and that is, that no State can change her relations to this gov-

ernment except by successful revolution. The State having by its local authorities overthrown the constitution which existed there, that is, passed laws in conflict with the laws of the United States, suppose the question of the right of the State thus to secede, or suppose the act of the legislature of Louisiana calling a convention to vote her out of the Union, were to come before any tribunal of this country, either local or national, would any man doubt as to the decision upon the question? Gentlemen, you regard all those acts as null and void. If, then, they are null and void, they have had no operation upon that country, and have no binding effect, and are to be regarded as if they had never been passed.

Place us then in that situation, with our offices vacated by traitors, with no governor there to execute our laws, with no legislature in harmony with the loyalty of the country to pass our laws, with no judicial officers loyal to the government who would take office to construe the laws, would that change the rights of those who finally take possession of the government, who get possession of the territory necessary to constitute and form that government? How are they to get back then? How are they to be restored to the right of representation? It strikes me that is the only question. Now, neither Congress nor yourselves have any precedents to govern you. There has never been before, in point of fact, any such thing as secession ever attempted, and therefore we are without precedents. What, then, is the fair, the just, and the magnanimous course to be adopted by Congress towards those who have been struggling with you to maintain and uphold the flag of this great country? What is to be the action of Congress? We have been struggling for the last two years, and do you want evidence of our loyalty? Have you any doubt of the loyalty of those who have inaugurated the present government of Louisiana? Then what is to be the course pursued—how is the subject to be treated? As I before remarked, we are wedded to no particular plan, but under the forms of a constitution adopted by the people of Louisiana at an election in the exercise of all their rights, we come here by virtue of that constitution, and present it to you, and ask you if it is republican in form, and sufficient to show you that that State has not placed in her constitution anything obnoxious to those views entertained by the great majority of the people of this country? There is our constitution, and we claim under it the right of representation in Congress. Had the bill known as the Davis and Wade bill been passed last session, and gone into effect, it would be found that we had really conformed our constitution in a great measure to the provisions of that bill; for we have, in the first place, abolished slavery. Let me read from the first clause of that constitution:

“ART. 1. Slavery and involuntary servitude, except as punishment for crime, whereof the party shall have been duly convicted, are hereby forever abolished and prohibited throughout the State. The legislature shall make no law recognizing the right of property in man.”

Such is the first clause of our constitution; and it was the requirement of one provision of the bill to which I have referred that slavery should be abolished. It required that we should engraft such a clause on our constitution.

The second requirement was, that we should incorporate a clause forever prohibiting the legislature from paying any debt contracted by the confederate authorities there, or any portion of the debt contracted by the confederate government. That we have also done in our constitution, as you will see by reference to it.

The only remaining requirement of that bill was that we should insert a clause in our constitution forever disqualifying men who had been in the confederate army from voting or holding office in our government. That has not been inserted in the constitution, and for the best of reasons. That subject was left entirely to the legislature. It could not have been inserted consistently with the action of the federal government and the President's proclamation of

amnesty, which restored to citizenship those who should come in and take the oath of allegiance. If they were citizens it would have seemed strange for the legislature to go beyond what Congress had done. There is a bill now before the legislature of Louisiana, at its present session, disqualifying officers of a certain grade in the confederate armies from voting or holding office. If the convention had inserted in the constitution the provision required by that bill to be inserted, we would have come directly in conflict with the action of the federal government; because the President had pardoned many, and the oath of amnesty had restored many to their rights of property and to their rights as citizens.

I have brought with me a copy of the debates, the journal, and all the proceedings of the convention for your inspection. Looking at that remonstrance, I see the name of Dr. Maas, and I can show you that same name on the journal of the convention. He was a member of the convention, and voted against every proposition of emancipation, and against all the clauses which were necessary to be inserted into the constitution according to the provisions of the bill to which I have referred. I do not know whether he signed the constitution or not; but finally he comes up and joins these memorialists against the recognition of the State. I refer you also to the name of Ernest J. Wenck, appended to the remonstrance. Wenck, as was said to you yesterday, was not only in the convention, participated in its proceedings, and signed the constitution, but was appointed district attorney by the governor, and is now holding that office; and yet in this remonstrance he says that is a bogus government. He says the very government he participated in forming is a bogus government, and ought to be overthrown, and that you should regard all the acts of the convention, the legislature, and the order of General Banks as usurpations of power. I ask you how you can, with these names appended to it, give any weight to that memorial.

Question. (By Mr. Smith.) I would like to ask you how a man so much opposed to the constitution of the State came to be an appointee of the governor?

Answer. He voted for every measure, and the governor appointed him, after the constitution had been ratified, as prosecuting attorney to one of our courts. When this memorial was examined we were astonished to find on it the name of a gentleman who was most rabid for all those measures in the convention.

These memorialists also assume that we are here without a constituency. I think that could have been said with a great deal more propriety against me when I applied for a seat before, and I believe you thought that if I had had enough votes, I had some chance of being admitted. I had but few votes, but, notwithstanding, I thought, *prima facie*, I had a fair case. You, however, decided against me and I acquiesced in that decision. I went back to Louisiana, and, much against my will, I was almost forced to return.

Again I say, the memorialists assume that we are without a constituency. Now, sir, last night I, in conjunction with some of my colleagues, sent for the census of 1860, and I am able to show you the precise population of each parish within the federal lines, according to the census of 1860. It was as follows:

Aggregates of population in those parishes of the State of Louisiana which are within the lines.

Parishes.	White.	Free colored.	Slaves.	Total.
1. Ascension	3,940	168	7,376	11,488
2. Assumption.....	7,189	94	8,096	15,379
3. Avoyelles.....	5,904	74	7,185	13,163
4. East Baton Rouge.....	6,944	532	8,570	16,046
5. West Baton Rouge.....	1,859	113	5,340	7,312
6. Carroll	4,124	20	13,908	18,052
7. Catahoula	5,492	46	6,113	11,651
8. Concordia	1,242	21	12,542	13,805
9. East Feliciana	4,081	23	10,593	14,697
10. West Feliciana	2,036	64	9,571	11,671
11. Franklin	2,758	2	3,402	6,162
12. Iberville	3,793	188	10,680	14,661
13. Jefferson	9,964	287	5,120	15,371
14. Lafourche	7,500	149	6,395	14,044
15. Madison	1,640	16	12,477	14,133
16. Morehouse	3,784	4	6,569	10,357
17. Orleans.....	149,063	10,939	14,484	174,486
18. Plaquemines.....	2,595	514	5,385	8,494
19. Point Coupee	4,094	721	12,903	17,718
20. St. Bernard.....	1,771	65	2,240	4,076
21. St. Charles	938	177	4,182	5,297
22. St. James.....	3,348	61	8,090	11,499
23. St. John the Baptist.....	3,037	299	4,594	7,930
24. St. Mary's	3,475	251	13,057	16,783
25. Tensas	1,479	7	14,592	18,078
26. Terre Bonne.....	5,131	72	6,785	11,988
Total parishes.....	247,181	14,907	220,949	482,337

It thus appears that the total population within the federal lines, according to the census of 1860, was 482,337, including all colors, slave and free. By deducting that number from 708,002, the entire population of the whole State at that time, and you will find that we have a very large majority within the federal lines. I also say—and in that respect I dissent from the views of the commanding general—that the population of our portion of the State has not diminished at all. I am prepared to show that probably more than 10,000 white refugees, from the confederate lines, came into the federal lines, and that two-thirds of the black population came within the federal lines after the expedition of General Banks to the Red river, which penetrated within fifty miles of the Texas line. In those large parishes, outside of the federal lines, which contained a very large number of slaves, there is scarcely one left. Some of them were run off to Texas, but the greater portion of them came within the federal lines, and are there now employed, either as slaves in the army, or upon the plantations, or in the government service.

But, besides that, Mr. Chairman, there has been a very large immigration into the State, particularly to New Orleans and the adjoining parishes, from every State in the north. Three-fourths of all the business now done in New Orleans and the adjoining parishes is carried on by men from the north, a great many of whom have been there ever since the occupation of the city by General Butler; so that our city this day, in my humble judgment, and in the judgment of other gentlemen with whom I have conversed upon the subject, has not less than 200,000 people. The loyal portion of our State has also been the asylum of thousands of refugees from Texas, who fled from the persecutions they were enduring there. Therefore, within the federal lines, and within the limits of that portion of the State over which we can exercise civil jurisdiction, I have no doubt we have to-day 450,000 population.

We have, then, all that was required by the provisions of that bill which passed the House of Representatives, and to which I have referred. If not the largest portion of the territory, we have the largest portion of the population—three-fourths of it, this day.

Is there any fraud imputed? None. Then why, Mr. Chairman, in the name of common sense, when our constitution is republican in form; when it satisfies the views of almost every man, unless he is extremely radical; when the people of that State, in as patriotic a manner as ever a people acted on earth, have surrendered voluntarily their property to harmonize this great Union, and to secure a state of things under which no war or rebellion of this kind would ever hereafter be inaugurated. I say why, under these circumstances, should we not be admitted to our place and our rights in the Union?

It is thought by many that we are insincere. How are you to test that sincerity? You ought, at least, to exercise some charity in your judgment on this matter. In the trying circumstances under which we have lived during the last four years we have furnished to your army 10,000 fighting white men, who are now scattered over the different fields of this country, who have been as good soldiers as ever marched from any country, and who are maintaining your flag with the same patriotism and devotion with which your troops from the east and west have done.

It may be asked, Mr. Chairman, and with some propriety, too, why did we not poll a larger vote? That was beyond our control. You see the party representing the McClellan interest refused to vote. They would have no participation in the election. The party representing the interest of Mr. Durant would not vote for what they called a bogus government. We could not force them to vote. They were qualified, for they had taken the oath of allegiance to the United States and the iron-clad oath prescribed by the President in 1863, and if they failed to come to the polls and contest this matter, and elect their members to Congress, we could not help it, for we could not force them to vote. Permit me to show you what the voting population of the city of New Orleans was. I have here a certificate of the register of voters, duly appointed and commissioned by Governor Hahn after his election. It is as follows:

“REGISTER’S OFFICE,
“New Orleans, November 21, 1864.

“*To whom it may concern:*

“I hereby certify that the number of qualified electors registered in this office since the 14th of November, 1862, to the 20th of November, 1864, including those registered by recorders Leamount and Vennard, are 9,560, all of whom have complied with the President’s amnesty oath of the 8th of December, 1863.

“I also certify that there are, to my certain knowledge, some three or four thousand qualified electors registered since the year 1856, who have likewise complied with the amnesty oath, which entitles them to their elective franchise.

“Very respectfully, yours,

“J. RANDALL TERRY, [SEAL.]
“*Register.*”

That makes not less than 13,000 registered voters in the city. Now, if we had within our lines a majority of all the voters that ever voted in the State, I suppose that if all of them did not vote, or even one-half of them did not vote, that would be no reason for your declaring that the constitution had been imposed upon the people, or that members of Congress had not been fairly elected. They had the opportunity to vote. There was no restraint; nothing in the way of their voting. New Orleans alone had 13,000 registered voters, besides two parishes outside; and even admitting that all the population was in the city that was in it in 1860, we had a majority of them all.

Question. (By Mr. Upson.) You assume that those registered in 1856 were still residents there?

Answer. Yes, sir; those registered from 1856 up to the time the State pretended to go out of the Union, when the registration ceased. The registration was not resumed until 1862. The register certifies that three or four thousand of those came in and took the oath, and there was no use of registering them over again.

Here is a certificate, under the seal of the State, and the hand of the governor, annexed to the certificate of the register aforesaid, that this Terry is register of voters :

“ STATE OF LOUISIANA, *Executive Department.*

“ By MICHAEL HAHN, Governor of the State.

“ To all who shall see these presents, greeting : Know ye that the instrument of writing hereto annexed is in due form, and made by the proper officer, and that J. Randall Terry, whose name is subscribed thereto, was at the time of subscribing the same, and now is, register of voters in and for the parish of Orleans, duly appointed and commissioned, and full faith and credit are due, and ought to be given to his official acts accordingly.

“ Given under my hand and seal of the State, at the city of New Orleans, this thirty-first day of November, in the year of our Lord one thousand [L. S.] eight hundred and sixty-four, and of the independence of the United States of America the eighty-ninth.

“ MICHAEL HAHN.

“ By the governor.

“ S. WROTNOWSKI,

“ *Secretary of State.*”

My election was strongly contested, and I received only a majority of 334 on a poll of 2,380 votes in my district, as will appear by the following certificate of election :

“ STATE OF LOUISIANA, OFFICE OF SECRETARY OF STATE,
New Orleans, October 29, 1864.

“ I do hereby certify that the following is a true and correct extract of the record deposited in my office :

“ Be it remembered, that in conformity to the ordinance of the convention lately assembled at the city of New Orleans, for the purpose of revising and amending the constitution of the State of Louisiana, bearing the date of July 22, 1864, to provide for an election to fill vacancies in the representation of the State of Louisiana in the thirty-eighth Congress of the United States, the undersigned did this day assemble at the office of the secretary of State, in order to examine and compare the returns received of the votes cast at the election held throughout the first, second, third, fourth, and fifth congressional districts of the State, on the 5th of September, 1864, and being the full returns, as far as received.

“ And they compared and ascertained the votes obtained by each candidate from the said returns deposited in the office of the secretary of state, and found that said votes are as follows : For member of Congress, representative for the second congressional district, parish of New Orleans, for A. P. Field, 1,357 votes ; for A. P. Dostie, 1,023 votes. From which it appears that A. P. Field has received the greatest number of votes as representative of the second congressional district.

“ It is therefore declared and certified that he is, accordingly, duly elected a representative of the State of Louisiana to represent said district in the thirty-eighth Congress of the United States of America, and to serve until the end of the term of said Congress as specified by law.

In testimony whereof the undersigned have signed their names at the city of New Orleans, this nineteenth day of September, A. D. 1864, being the third Monday of said month, and of the independence of the United States of America the eighty-ninth.

S. WROTNOWSKI,

Secretary of State.

JOHN W. THOMAS,

Judge of the 2d Dist. Court of N. Orleans.

RANDAL TERRY,

Register of Voters.

E. EUDE,

Chief Clerk Sec. of State.

And further, I do certify that the following is a true and correct extract from the return, by the sheriff of the parish of Orleans, of the election held on the fifth of September, 1864, to fill vacancies in the representation of the State of Louisiana in the thirty-eighth Congress of the United States, said returns deposited in my office, to wit:

Representative from the second congressional district, composed of the first district of the city of New Orleans.

	1st prect.			2d prect.			3d prect.		4th pr'ct.		5th pr'ct.		6th pr'ct.		7th prect.			2d dist., 8th pr'ct.		4th dist., 22d pr'ct.		Total votes.
	Poll 1.	Poll 2.	Poll 3.	Poll 1.	Poll 2.	Poll 3.	Poll 1.	Poll 2.	Poll 1.	Poll 2.	Poll 1.	Poll 2.	Poll 1.	Poll 2.	Poll 1.	Poll 2.	Poll 3.	Poll 1.	Poll 2.	Poll 1.	Poll 2.	
A. P. Field..	39	48	195	34	36	21	86	73	78	43	57	52	36	27	102	101	71	25	32	111	90	1,357
A. P. Dostie.	50	21	163	35	35	8	76	55	33	31	23	15	45	80	31	33	34	42	32	98	83	1,023

Giving a majority of (334) *three hundred and thirty-four* votes in favor of A. P. Field.

In testimony whereof I have hereunto set my hand and the seal of the State,
[L. S.] at the city of New Orleans, this twenty-ninth day of October, A. D. 1864, and of the independence of the United States the eighty-ninth.

S. WROTNOWSKI,

Secretary of State.

Question. (By Mr. Smithers.) Will you give us the different congressional districts, and the number of votes given in each district?

Answer. The districts of the State will be found on page 158 of the journal of the convention. I can give the number of votes in each district only from recollection, but I will furnish a statement to the committee.

I might allude to another objection made by these memorialists to the districting of the State. They say the State was not districted according to the act of Congress, by the legislature. That is true, if there is any weight to be attached to it. The question arises how that term, "by the legislature," is to be construed. The convention possessed all the power of the people. It possessed all, and a vast deal more power than the legislature would possess. It came from the same fountain, knowing as well as the legislature everything which concerned the interest of the people. And it should be borne in mind that another legislature did not assemble until it was past the time for making any provision by which members of Congress could be elected at the regular period. I consider that there is no force whatever to be attached to that objection.

Question. (By Mr. Ganson.) Does the present constitution contain any provision which deprives citizens of Louisiana who are in the military service of the privilege of voting?

Answer. With the qualification which General Banks stated, it does. That is one reason why the number of votes appears so small. Another reason was that in September, the season of the year when our election was held, a very large number of citizens are absent from the city. Nearly all the business men who have purchases to make go at that season of the year to New York and Boston to lay in supplies. Our voting population for that reason was diminished; most of our soldiers were out of the State, and very few of the men of the parties headed by the president of the convention and by the appointee of the President of the United States for district attorney voted; they voted neither for the constitution nor for members of Congress nor for members of the legislature.

So you see that we account for the small number of votes, and the question arises whether that ought to deprive us of our representation in Congress.

Question. (By Mr. Ganson.) Has your legislature imposed taxes for carrying on a State government?

Answer. A bill for that purpose is now before the legislature.

Question. (By Mr. Ganson.) Have you had a session of the legislature before this?

Answer. No, sir. We have been collecting taxes in the different parishes, and we have expended \$300,000 of the people's money to form this constitution.

Question. (By Mr. Ganson.) You collect by the present civil government precisely as under the old law?

Answer. The present civil government adopts the old machinery until it is otherwise modified.

Question. (By Mr. Ganson.) Do the various civil officers of the State hold their offices by appointment or by election?

Answer. By appointment.—the sheriffs, justices of the peace, judges, and district attorneys; and courts are being held in nearly all the parishes.

But there is one other consideration, and that is, that in the district within the federal lines we have collected, poor as we have been made by this rebellion, and paid to the government upwards of \$2,500,000 of internal revenue. Now is it fair and right that we should thus be compelled to contribute to the government of the United States and yet have no right of representation on the floor of Congress? The people of Louisiana have suffered in this rebellion more than you can imagine; but yet they never have faltered one moment in their loyalty.

Another objection was raised, and that is, that the people did not select their best and ablest men to represent them. That may be true; but whose fault was it? Was it our fault, or was it the fault of Mr. Durant and Mr. Rossier, who pretend that this is a bogus government?

I come here with others claiming seats as representatives. It is true that some of them are young, but the father of one of them perilled his life outside of the lines, gave up his property, and stood by the principles of this government to the last. He was subsequently elected our lieutenant governor. He gave up one hundred and twenty slaves, willingly and cheerfully, for the benefit of the country.

The father of one of the others, Mr. Tallifero, was in the secession convention, and he said that, though they passed him through the ordeal of Shadrach, Meshach, and Abednego, he never would sign the ordinance of secession. He has been persecuted and ruined by the confederates; but his son has been sent here as a representative from that district.

As for myself, I cannot boast of having done so much. I was not in the secession convention, but I condemned it, opposed every measure looking that

way, and, I believe, stood by the Union as faithfully and honestly up to this hour as any man in any portion of the country.

I am bold to say there are no people more loyal than the people of Louisiana. Compare them with the population of any other State, and they will be said to be above them in loyalty in proportion to numbers. We have no plots against the government; we have no Sons of Liberty or Knights of the Golden Circle there; and there never has been. The soil was not congenial to their existence.

I believe I have adverted to all the principal points in this case, and I do not desire to weary the committee. I do not know that my associates desire to say anything. They have rather looked to me as of rather more experience than they, but not by any means as possessing more ability; and I have endeavored to present our case fairly before you.

Now, what motive can we have? Some gentlemen may think it is for the paltry pay we get. Let them so think. But how will our people, who are fighting your battles, side by side with the soldiers of your States, feel when we return, if we are rejected, and say that "Congress would not listen to your appeal; you are still decided to be rebels, or unfit for government, and therefore entitled to no representation on the floor of Congress"? You can imagine how they would feel. If you admit the principle of that remonstrance, and declare that these acts of the people of Louisiana are all void, who can promise you that Louisiana will come back again? What changes may take place there no man can tell. We are sure of the present. We are sure we have a good government, and that we can maintain it against all our internal foes. We ask no aid from the federal government in regard to troops, except to keep out foreign invasion. Give us the soldiers we have given to you to fight your battles, and we will assure you that every portion of the State will be as loyal in six months as Massachusetts, Pennsylvania, or any other State. With these remarks I submit our case.

Question. (By Mr. Ganson.) It was stated yesterday that your present civil governor has been clothed with a military commission. Was there a necessity for the existence of any such thing?

Answer. None in the world. Our commissions are all signed by him as civil governor; and I assure gentlemen of the committee that to my knowledge the governor has never pretended to exercise any authority under the commission which was sent to him by the President as military governor.

Question. Was it sought by him?

Answer. Not to my knowledge; and I think not. Why should he seek it?

DECEMBER 15, 1864.

Robert V. Montague, being duly sworn, testified as follows:

Questions by Mr. Field, the claimant:

Question. How long have you resided in Louisiana?

Answer. I have owned property in Louisiana since 1858. I removed to Louisiana in 1860, and resided there from that time until I was obliged to flee from my home to Vicksburg.

Question. What parish did you reside in?

Answer. Madison parish.

Question. Were you a member, from that parish, of the convention which framed the present constitution?

Answer. Yes, sir.

Question. Where is Madison parish?

Answer. In the northern part of the State, on the west side of the river, and nearly opposite Vicksburg.

Question. Had you an opportunity, while in the convention, or in your com-

munication with citizens of the State, to know their feelings towards the United States as regards loyalty?

Answer. I think I had a fair opportunity.

Question. State your knowledge upon that subject.

Answer. Both in and out of the lines I believe it is a well-known fact that Louisianians have at all times been greatly loyal, and would have so declared themselves if they could have given vent to their feelings with safety; but that has not been the case. A large proportion of the people of Louisiana are loyal, and have ever been so.

Question. Do you know anything of the feelings of the people outside of the lines and west of the Washita?

Answer. I have frequently come in contact with men outside of the lines, and from that immediate neighborhood. Those that I have seen have been loyal without exception. They are the men who remained at home, and that is pretty good evidence of their loyalty. With those that went away I have had no intercourse, for they are in the rebel army. I may state that there are many in the rebel army who prefer not to be there.

Question. Do not you know that the citizens of Monroe, seventy miles west of Vicksburg, are loyal?

Answer. Monroe has always been a loyal place. I know most of the leading men of the place, and I am satisfied that they are loyal.

Question. Do not you know that they invited General Grant to send a military force there?

Answer. Yes, sir; and General Grant did, on two occasions, send expeditions there; and at one time the rebels threatened to burn the place because of its loyalty.

Question. Do you know Mr. Ray, of that place?

Answer. Yes, sir; he is the leading lawyer in that country.

Question. Do you not know that all the leading men there are loyal?

Answer. I know they are.

Question. Do you not know that those men cannot safely get away from there and leave their property?

Answer. They cannot get away without sacrificing their property. They doubtless could remove their persons, but their property would be destroyed as mine was after I left.

Question. Were you in Louisiana at the election for members of Congress this fall?

Answer. No, sir; I was in New York. I have been absent from Louisiana since last May.

Question. You were in the city during the session of the convention?

Answer. I was a member of the convention.

Question. And you were a member of the Baltimore convention?

Answer. Yes, sir; I left Louisiana for the purpose of attending that convention.

Question. Do you know what the population of New Orleans is now?

Answer. I cannot speak with accuracy, but I should say from 150,000 to 200,000.

Question. Do not you know there has been a considerable influx of population from the north?

Answer. I have reason to believe it is so. I have been acquainted with New Orleans for many years, and I have lately seen a great many new faces there, and many new firms established in business. I am satisfied the population has been increased by a foreign influx, though I suppose a great many people of New Orleans have gone into the rebel service. New Orleans is as full as I ever saw it.

Question. By Mr. Smithers. Is Monroe within or without our lines?

Answer. It is ground occupied alternately by the federal forces and the rebel forces.

Question. Monroe, then, is disputable territory?

Answer. It is common ground.

Question. What is its population?

Answer. I should suppose it contained from 2,000 to 2,500 inhabitants. That is a mere guess, however.

Question. When you were elected a member of the convention from Madison precinct how many votes were polled?

Answer. Twenty-eight votes.

Question. What is the county town of Madison county?

Answer. Richmond.

Question. What is its population?

Answer. It is quite a small place, and there are none there now that I know of.

Question. What is the population of Madison county?

Answer. I should not say there were forty voters in the parish of Madison; the inhabitants, being contiguous to our lines, were ordered away by the military authorities. When our army first came down the river, those who resided on the river, particularly, were ordered to leave.

Question. (By Mr. Dawes.) What was the usual vote in Madison before the war?

Answer. My answer is a mere guess, but I should say five hundred. It is not as large a voting parish now as it was fifteen years ago.

Question. Could the people of Louisiana take care of themselves if invasion from abroad were kept out?

Answer. I believe it could, if the federal army would lay around its borders and keep off other persons.

Question. Can you take care of the rebels in your own State?

Answer. I believe so. Indeed there are not many rebels in it now; they have moved from the State. But a small force of the rebel army is within the lines of Louisiana.

Question. (By Mr. Ganson.) In your judgment, about how many men has Louisiana furnished to the rebel army?

Answer. I have no information upon that subject.

Mr. Field. We put the number down at 37,000.

Witness. When I speak of voters in my parish I do not include the men who have settled there under the regulations of the Treasury Department leasing plantations. I refer to the original inhabitants—in other words, who resided there anterior to the rebellion.

Question. (By Mr. Smithers.) Are you acquainted with the western part of Louisiana?

Answer. Tolerably well, having travelled through there several times.

Question. How large a population is there in the county of Claiborne?

Answer. I cannot tell.

Question. Do you know anything of the parish of Jackson?

Answer. I do not.

Question. According to your estimate, what proportion of the population, according to the census of 1860, now remains in Louisiana?

Answer. The disparity in numbers is doubtless very great, but what it is I have no means of knowing.

Question. You have no opinion about that?

Answer. I have not. Large numbers of the people of the section of country I am acquainted with have gone back to Texas—more particularly the black population.

Question. (By Mr. Dawes.) Has a greater proportion of blacks than whites left the State?

Answer. Oh, yes.

Question. (By Mr. Scofield.) Why?

Answer. Simply from the fact that the whites were afraid that their negroes would run away from them. For that reason they removed them as far from the federal lines as they could.

Question. (By Mr. Smithers.) Their masters took them away?

Answer. Yes, sir.

DECEMBER 15, 1864.

Remarks of Mr. A. P. Field, claimant, to questions by the committee:

Question. (By Mr. Ganson.) Is not a large proportion of the people of New Orleans, composed of people who have gone there temporarily for speculation, &c.?

Answer. A great many persons have come there to settle permanently, and I think we have as little transient population as any other city. There is nothing there to speculate in. A great many have gone there to settle and cultivate the plantations. Our principal merchants, also, are northern men.

Question. Do not they trade outside of the city?

Answer. Certainly.

Question. Are there any people from the north that go down there to buy plantations?

Answer. There have been a number, and a great many more would buy, but the insecurity of title has been one impediment in the way. I am almost every day spoken to in reference to persons going there and buying lands.

Question. I asked the question because the opinion prevails, to a certain extent, that a large portion of the people who have gone there recently have gone there for temporary purposes. Is that so?

Answer. On the contrary, I am satisfied that a great many persons have gone there for the purpose of remaining permanently and buying plantations. A great many buy property in the city and a great many in the country. I was told in Pennsylvania a few days ago that a great many people would emigrate from that State to Louisiana as soon as things were settled, for land is low there now, compared with what it was before the rebellion.

Question. (By Mr. Dawes.) Are not people going down there for the purpose of getting cotton outside of the lines?

Answer. Undoubtedly they have done so; but they have not succeeded to any great extent, because the trade regulations prevent them.

Question. (By Mr. Ganson.) Is there any trade with Texas?

Answer. No, sir; but there has been some cotton brought there by federal authority from that portion of Texas occupied by them. Brownsville was formerly occupied, and also Brazos de Santiago, at the mouth of the Rio Grande.

Question. (By Mr. Scofield.) What is the eastern boundary of our military lines in Louisiana?

Answer. The river Amite.

Question. Do our troops occupy that river?

Answer. Yes, sir; immediately west of Baton Rouge.

Question. What is between the Amite and the Pearl rivers?

Answer. It is a very poor country; mostly pine woods. It has a sparse population.

Question. Why cannot our forces occupy up to Pearl river just as well?

Answer. We could if we had the troops to spare. But there is no particular object to be gained by it. It is principally a pine wood country, in which the people mostly live by lumbering.

Question. Do you know the population of Washington parish, on the Pearl river?

Answer. I do not.

Question. (By Mr. Brown.) In calling your convention to frame a new constitution, was there any attempt to conform to the provisions of the old constitution for calling such a convention, or was there no such provision in the old constitution?

Answer. There was such a provision in the old constitution, and the plan adopted conformed as nearly as could be to the old plan of calling a convention for the purpose of framing a new constitution. The convention complied with the law in every other respect than the mode of calling it.

Question. Take the district you represent, and state in what respect it differs from the district as it was before the rebellion.

Answer. It is not quite so large as it was before, because they considered that there was a larger population in what is now my district than there had been previously.

Question. (By Mr. Ganson.) Is there new territory in your district?

Answer. No, sir. I suppose the convention, in making the districts, was governed, so far as it could be, by the amount of population. I had nothing to do with it, as I was not a member of the convention.

Question. (By Mr. Brown.) Was the day for holding the election the same as that prescribed by the old law?

Answer. No, sir. Under the old law the elections were held every second year, on the first Monday of November.

Question. Upon what day was the election held?

Answer. For members of Congress and representatives to the legislature on the fifth or sixth of September.

Question. (By Mr. Ganson.) That election was not initiated under military law?

Answer. No, sir; but under the State authority. After the adoption of the constitution, under the state of things existing there, we could not have held our election unless we had waited until the following November. The governor was elected last spring, and an election was called for State officers. The old law of the State was followed in those elections in reference to the registration of voters and the appointment of commissioners of election. Everything was conducted under the forms of the old law, except that the day of election was different.

Question. (By Mr. Dawes.) What was the provision of the constitution or law before the rebellion as to the day of election to be held to fill vacancies?

Answer. The governor appointed a day for special elections.

Question. In that particular was the old statute of Louisiana conformed to?

Answer. The new constitution superseded the old one after its adoption, and that fixed the day when this election should come on, regarding the election as a special one.

Question. (By Mr. Brown.) You have made a point to this effect, that if you threw aside this new constitution you are still a State under the old constitution, and are entitled to representation. Now, the question is, suppose there should be any dispute about the validity of this new constitution, and a right of representation under the old should be conceded, then how far, in fact, have you in fact complied with the old constitution? If it allowed the governor to call a special election, did the governor do so in this instance?

Answer. Of course he did.

Question. Then both the governor and the constitution did it?

Answer. The governor after the adoption of the constitution issued his proc-

lamation claiming that the constitution was adopted, and I think he issued a proclamation for an election.

Question. (By Mr. Dawes.) Have you a copy of a proclamation of his to that effect?

Answer. I have not.

Question. Do you state it as a fact that can be incorporated in your evidence? What is the fact you state?

Answer. That in my opinion a proclamation of the governor was issued after the adoption of the constitution in conformity with that constitution.

Question. (By Mr. Ganson.) I understand that your certificate designates that the election was held to fill a vacancy.

Answer. It does.

Question. (By Mr. Dawes.) You are uncertain whether the governor issued his proclamation?

Answer. I am not certain, but there are gentlemen from Louisiana here who are certain of that fact.

DECEMBER 15, 1864.

Luther F. Parker was duly sworn and examined.

Question. (By Mr. Field, claimant.) Do you reside in Louisiana?

Answer. I do.

Question. In what portion of the State?

Answer. I am a native of New Hampshire, born and educated there. I removed to Louisiana in 1845, living first in the parish of West Feliciana, subsequently in another parish, and in 1852 I removed into the parish of Rapides, near Alexandria, where I have since resided. For two years preceding the war I resided in Alexandria.

Question. Please state to the committee what knowledge you have in reference to the loyalty of the people of that portion of the State, and of their desire to return to their allegiance to the government of the United States.

Answer. I can speak for the parish of Rapides with almost certainty. In the beginning, had they ever dreamed that such a vote would be put as that of secession, they would have been almost unanimously against it. It was only by fraud and misrepresentation that that portion of the State was taken out of the Union. Since then they have taken a large number of troops from us, and the people have suffered very much. One fact will best show what were the wishes of the people of the parish of Rapides. Upon the occupation of the parish by the federal army in March, April, and May last, an election for delegates to the convention was called. No man was forced to take the oath, and no man was invited to take it; but I know that in my own case it took me three weeks before I could take the oath, owing to the office being so crowded. They, knowing I was a Union man anyhow, preferred to administer the oath to others first. At the election we polled 301 votes in a parish which, before the war, had never polled but about 1,700 votes. Davis's conscription has dragged off over 2,000 men to his army, while many have fled to the federal lines, or joined the federal army. Out of the remaining population we polled 301 votes voluntarily, and without the least interference of the military authorities. That was on the election of delegates to the convention.

Question. What proportion of the voters in the whole parish at that time voted at that election and took the oath?

Answer. I should say more than two-thirds. Those that did not vote were mostly persons incapacitated by old age, &c.

Question. Can you speak with reference to any other parishes in that portion of the State—the parishes east and north of you?

Answer. I was in the parish of Winn—of which Winfield is the county seat—for purposes of safety, for nearly three months preceding the approach of our army, and I travelled from house to house, rather than lie in the woods. I think I had a pretty fair opportunity for knowing the sentiment of the people. I found scarcely a man in that parish who was not a Union man; even those who in the beginning had favored secession were then strongly Union. But the parish had been stripped of nearly all its able-bodied population, and you might travel for a whole day in that upland, pine-wood country, and not find a single able-bodied man—nothing but women and children, and, occasionally, old men. The conscript-hunting companies were out at that time, and I had an opportunity to see all their performances, for I was myself arrested and confined to their camp. In the parish of Natchitoches the people were first conscripted, and then offered the privilege of enlisting in favorite companies. When that failed, the poor men, rather than leave their families to suffer and starve, would seek the woods to keep out of the way. These men were hunted out by mounted companies. In the parish of Rapides we had three mounted companies, numbering as many as eighty in each. They were almost invariably accompanied by a pack of hounds, to hunt and track out the fugitives. I am telling exactly what I have seen. In the parish of Rapides there is one company which is reported to have killed over sixty men. A number of men were sent to Lieutenant Governor Wells's house to hunt him out, but, supposing that he had a number of men there to defend it, they dared not go into the house, though the fact was he was entirely alone. He took to the swamp, and finally went to New Orleans.

Question. Do you know what number of your men in the parish of Rapides, after our army went there, raised companies and joined the federal army?

Answer. I know very well, for I aided to enlist them. There was something over six hundred that were enlisted, and many more could have been enlisted in northern Louisiana.

Question. (By Mr. Smithers.) Do you include in that number blacks and whites?

Answer. No, sir; whites only. The people of those parishes sought the Union lines wherever they could. Many enlisted, and many came off with us.

Question. (By Mr. Field.) State to the committee what portion of the blacks remained, and whether they are now in Rapides and the adjoining parishes?

Answer. There are very few of the black population remaining in that section. I suppose that at least two-thirds of those slaves came into the federal lines; and of the balance the owners contrived to get most of them off to Texas before the Union army arrived. There were from 1,500 to 2,000 taken from the parish of Rapides to Texas. The drainage of this black population commenced in 1863, but this last time it was a general migration. I myself came down on a boat that was crowded with them. They came of their own free will and choice, so far as I knew. In some instances they came in such numbers to the river that the officers persuaded them to remain at home.

Question. Where were you at the time of the election of representatives to Congress?

Answer. In New Orleans, where I now reside.

Question. Were you about on the day of election?

Answer. I was.

Question. Do you know whether the election was canvassed there and opposition speeches made?

Answer. Yes, sir. The election was as freely canvassed as any, and those

who wanted to speak and oppose the adoption of the free constitution spoke as freely as they would at any other time or place. I was one of the speakers at the election for members of Congress, and I know the contest was a very sharp one. There were all the elements of opposition brought to bear that could be, and in every shape and form. The only thing we had trouble with was that there were certain parties there who would not vote either one way or the other.

Question. (By Mr. Dawes.) Why?

Answer. They would not give any reason why.

Question. Were they parties professing to be loyal?

Answer. Parties reputed to be loyal; and we had no reason to believe them to be disloyal.

Question. (By Mr. Smithers.) What proportion of such men were there?

Answer. I cannot tell.

Question. Was the number large or small?

Answer. Pretty large.

Question. (By Mr. Dawes.) Who represented those men who declined to participate in the election?

Answer. I understood, Durant and Fellows, and a few such men.

Question. (By Mr. Scofield.) Did Mr. Durant vote?

Answer. I understood he did not.

Question. (By Mr. Ganson.) Is he the same Mr. Durant that stumped it for Flanders for governor?

Answer. Yes, sir; I so understand.

Question. What is the population of New Orleans now?

Answer. It must be larger than it was before the war. I draw that conclusion not alone from the people I see, but from the impossibility of getting dwelling-houses of any kind. Judging from that, I suppose the population of the city larger than before the war.

Question. (By Mr. Smithers.) Was the election at Alexandria, of which you have spoken, and at which you say you were present, an election for delegates to the convention?

Answer. Yes, sir.

Question. And between the time of the election for delegates for the convention, and that for members of Congress, I understand you left that district and took refuge in New Orleans?

Answer. The election for delegates to the convention took place in April; I remained there until the army went down, and arrived at New Orleans about the 1st of June.

Question. Do I understand you to say that at the time of, and prior to, your removal from Rapides, and while the army of the United States was there, upon the abandonment of that country by the army, a general efflux of the Union people took place, and went down the river to New Orleans?

Answer. Yes, sir. There were twenty steamers full.

Question. Then do I understand you to mean that the parishes of Winn, Rapides, and Avoyelles are mostly deserted by the Union people?

Answer. I cannot say that they are deserted by all the Union people, but they are deserted by the Union men who have in any manner compromised themselves. They fled, and nearly all the black population came away. While General Banks and the army were at Alexandria, and before it advanced from there, delegations came in and visited Lieutenant Governor Wells, to consult with him as to what to do. They were men of influence, and came as the representatives of loyal people. They assured us that if General Banks would occupy Shreveport and hold it, they could raise a force of five thousand men, and thought they could get more.

Question. Shreveport is in the northwest part of Louisiana?

Answer. Yes, sir. They said if General Banks would go up as far as Shreveport they would take care of themselves. Failing to do that, they had to migrate, like the ancient Germans, with their household gods. What population may be now remaining resident in Rapides, Wima, and Acoyelles parishes, I cannot tell. In Rapides parish my impression is that there were originally about 9,000 whites, and 16,000 or 17,000 slaves. Of the slaves, in my judgment, there are not a thousand left. They have either come into the Union lines, or have been taken to Texas. I could mention plantations of four or five hundred slaves, all of whom came into the Union lines. Governor Moore, who had a plantation of five hundred slaves, got only about fifty away to Texas. Of the white population there are a great many women and children left. A great many of the men have been forced into the confederate army, and some have gone into the Union army.

Question. And that country is under rebel control?

Answer. Yes, sir; Rapides and Winn parishes.

A.

STATE OF LOUISIANA.

EXECUTIVE DEPARTMENT,

New Orleans, September 19, 1864.

To all to whom these presents shall come :

Know ye, that whereas, in conformity to an ordinance adopted by the constitutional convention lately assembled in New Orleans, dated the 22d day of July, 1864, entitled "An ordinance to provide for an election to fill vacancies in the representation of the State of Louisiana in the thirty-eighth Congress," and by virtue of an executive proclamation to that effect, an election was held by the qualified electors of the State, on the fifth day of September, 1864, for five members of Congress to fill said vacancies :

And whereas the returns of said election have been duly made to the office of secretary of state, as required by law, and have been carefully examined, compared, and attested by the proper officers whose duty it was to examine the same :

And whereas I have ascertained from said returns that M. F. Bonzano has received a majority of all the votes cast at said election in the first congressional district :

Now, therefore, I, Michael Hahn, governor of the State of Louisiana, do hereby certify that the said M. F. Bonzano was duly elected a member of the thirty-eighth Congress from the first congressional district of the State of Louisiana to fill the vacancy aforesaid and to serve until the end of the term of said Congress.

In testimony whereof, I have hereunto set my hand and affixed the seal of the State, on this the nineteenth day of September, in the year of our Lord one thousand eight hundred and sixty-four, and in the year of the independence of the United States the eighty-ninth.

MICHAEL HAHN,
Governor of Louisiana.

By the Governor:

S. WROTNOWSKI,
Secretary of State.

B.

PROCLAMATION.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, January 11, 1864.

To the people of Louisiana:

I. In pursuance of authority vested in me by the President of the United States, and upon consultation with many representative men of different interests, being fully assured that more than a tenth of the population desire the earliest possible restoration of Louisiana to the Union, I invite the loyal citizens of the State qualified to vote in public affairs, as hereinafter prescribed, to assemble in the election precincts designated by law, or at such places as may hereafter be established, on the 22d day of February, 1864, to cast their votes for the election of State officers herein named, viz:

- I. Governor,
- II. Lieutenant Governor,
- III. Secretary of State,
- IV. Treasurer,
- V. Attorney General,
- VI. Superintendent of Public Instruction,
- VII. Auditor of Public Accounts,

who shall, when elected, for the time being, and until others are appointed by competent authority, constitute the civil government of the State, under the constitution and laws of Louisiana, except so much of the said constitution and laws as recognize, regulate, or relate to slavery, which, being inconsistent with the present condition of public affairs, and plainly inapplicable to any class of persons now existing within its limits, must be suspended, and they are therefore and hereby declared to be inoperative and void. This proceeding is not intended to ignore the right of property existing prior to the rebellion, nor to preclude the claim for compensation of loyal citizens for losses sustained by enlistments or other authorized acts of the government.

II. The oath of allegiance prescribed by the President's proclamation, with the condition affixed to the elective franchise by the constitution of Louisiana, will constitute the qualification of voters in this election. Officers elected by them will be duly installed in their offices on the 4th day of March, 1864.

III. The registration of voters, effected under the direction of the military governor and the labors of the several Union associations, not inconsistent with the proclamation, or other orders of the President, are confirmed and approved.

IV. In order that the organic law of the State may be made to conform to the will of the people, and harmonize with the spirit of the age, as well as to maintain and preserve the ancient landmarks of civil and religious liberty, an election of delegates to a convention for the revision of the constitution will be held on the first Monday of April, 1864. The basis of representation, the number of delegates, and the details of election, will be announced in subsequent orders.

V. Arrangements will be made for the early election of members of Congress for the State.

VI. The fundamental law of the State is martial law. It is competent and just for the government to surrender to the people, at the earliest possible moment, so much of military power as may be consistent with the success of military operation; to prepare the way, by prompt and wise measures, for the full restoration of the State to the Union and its power to the people; to restore their ancient and unsurpassed prosperity; to enlarge the scope of agricultural and commercial industry, and to extend and confirm the dominion of rational liberty. It is not within human power to accomplish these results without some sacrifice of individual prejudices and interests. In great civil convulsions, the agony of strife enters the souls of the innocent as well as the guilty. Problems of state, too complicate for the human mind, have been solved by the national cannon. The government is subject to the law of necessity, and must consult the condition of things, rather than the preferences of men, and if so be that its purposes are just and its measures wise, it has the right to demand that questions of personal interest and opinion shall be subordinate to the public good. When the national existence is at stake, and the liberties of the people in peril, faction is treason.

The methods herein proposed submit the whole question of government directly to the people—first, by the election of executive officers, faithful to the Union, to be followed by a loyal representation to both houses of Congress, and then by a convention, which will confirm the action of the people, and recognize the principles of freedom in the organic law. This is the wish of the President. The anniversary of Washington's birth is a fit day for the commencement of so grand a work. The immortal Father of his Country was never guided by a more just and benignant spirit than that of his successor in office, the President of the United States. In the hour of our trial let us heed his admonitions!

Louisiana, in the opening of her history, sealed the integrity of the Union by conferring upon its government the Valley of the Mississippi. In the war for independence upon the

sea she crowned a glorious struggle against the first maritime power of the world by a victory unsurpassed in the annals of war. Let her people now herald the coming restoration of the Union, in which the ages that follow us have a deeper interest than our own, by the organization of a free government, and her fame will be immortal.

N. P. BANKS,
Major General Commanding.

Official :

J. SCHUYLER CROSBY,
A. A. A. General.

C.

Qualifications of voters.

GENERAL ORDERS, {
No. 24. }

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, February 13, 1864.

I. Every free white male, twenty-one years of age, who has been a resident of the State twelve months, and six months in the parish in which he offers to vote, who is a citizen of the United States, and who shall have taken the oath prescribed by the President in his proclamation of the 8th of December, 1863, shall have the right to vote in the election of State officers on the 22d day of February, 1864.

II. Citizens of the State who have been expelled from their homes by the public enemy on account of their devotion to the Union, and who would be qualified voters in the parishes to which they belong, will be allowed to vote for State officers only in the election precinct in which, for the time being, they may reside.

III. Citizens of the State who have volunteered for the defence of the country in the army or navy, and who are otherwise qualified voters, will be allowed to vote in the election precincts in which they may be found on the day of election; and if the exigencies of the public service be such as to prevent their attendance at any of the established precincts, then commissioners fairly representing the interests involved in the election will be appointed to receive their votes wherever they may be stationed on that day, and to make due returns thereof, as well as of their own votes, to the military governor of the State, as provided for other commissioners of election.

IV. The commissioners of election, at any election precinct, are authorized to administer the oath of allegiance, as prescribed by the President, to any person otherwise qualified to vote, and to register the name of such voter in New Orleans, where a register is required, or to receive it in other parishes, where no register is required, at any time before the polls are closed on the day of election.

V. The commissioners of election in the several parishes will make prompt returns of the votes given to the sheriff of the parish, as provided by law, or, in his absence, to the provost marshal, who will immediately return the same to the military governor of the State.

VI. The sheriffs of the several parishes, and in their absence the provost marshals, will take especial care that the polls are promptly opened, and that suitable judges of election and other officers are appointed. It is desirable that all persons properly qualified shall vote, but it is more important that illegal or fraudulent votes shall not vitiate the election.

VII. The situation of Louisiana is not identical with that of other States designated by the President, but the test of loyalty required by him as a basis for the restoration of government is unequivocal. Full opportunity has been given to the people for the suggestion of any obligation more in accordance, if possible, with the condition of this State, but no general unity of sentiment appears to exist as to the test of fealty which should be demanded. The inference is irresistible that all parties prefer the form prescribed by the President to any other than their own. The oath prescribed by him offers amnesty and pardon only to those who have committed treason. To all others it is a simple pledge of continued fealty to the government. The oath of allegiance cannot be materially strengthened or impaired by the language in which it is clothed, but it may be accompanied by such explanations as to make known to the public the sense in which it is administered and received. Allegiance cannot be more or less than unreserved, unconditional loyalty.

The repetition of an oath once taken, or when unnecessarily clothed in unusual language, may well cause hesitation; but if it be identified with the restoration of a government at a time when secret evasions and reservations have sapped public integrity and endangered the safety of the nation, it is an unsound patriotism that criticises the form or hesitates at its renewal.

In times of public danger the government has a right to demand an unreserved declaration of the purposes of all its people, and to provide, if necessary, an iron-clad defence against the weapons of its enemies. Those who seek its favor and protection must yield to its just demands. An exemption from all duties and the enjoyment of all privileges at the same time is a greater degree of happiness than is accorded to any man in this life. Let the people

of Louisiana look at things as they are, and base their political action upon a declaration of loyalty that cannot be misunderstood or misinterpreted. Upon this depends the restoration of peace and of private and public prosperity.

By command of Major General Banks:

RICHARD B. IRWIN,
Assistant Adjutant General.

Official copy:

J. SCHUYLER CROSBY,
A. A. A. General.

D.

ELECTION OF DELEGATES TO CONVENTION.

General Orders, }
No. 35. }

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, March 11, 1864.

I. An election will be held on Monday, the 28th day of March, at 9 o'clock a. m., in each of the election precincts established by law in this State, for the choice of delegates to a convention to be held for the revision and amendment of the constitution of Louisiana.

II. The several parishes shall be entitled to elect the number of delegates herein assigned to each, upon the basis of white population exhibited by the census of 1860, to be chosen in each parish on one ticket by the qualified voters of the parish, except in the parish of Orleans, in which parish the election shall be held in the several representative districts established by law, for the number of delegates herein assigned to each district, to be chosen on one ticket, by the qualified voters of the district, as follows, viz:

Parishes.	White population.	No. of delegates.
Ascension	3,940	2
Assumption	7,189	3
Avoyelles	5,908	2
Baton Rouge, East	6,944	3
Baton Rouge, West	1,859	1
Bienville	5,900	2
Bossier	3,348	1
Caddo	4,733	2
Calcasieu	4,452	2
Caldwell	2,888	1
Carroll	4,124	2
Catahoula	5,492	3
Claiborne	8,996	4
Concordia	1,242	1
De Soto	4,777	2
Felicina, East	4,081	2
Felicina, West	2,036	1
Franklin	2,758	1
Iberville	3,793	2
Jackson	5,367	2
Jefferson	9,965	4
Lafayette	4,309	2
Lafourche	7,500	3
Livingston	3,120	1
Madison	1,640	1
Morehouse	3,784	2
Natchitoches	6,306	3
Orleans	149,068	
First representative district		7
Second do. do.		11
Third do. do.		9
Fourth do. do.		5
Fifth do. do.		5
Sixth do. do.		4
Seventh do. do.		4
Eighth do. do.		3
Ninth do. do.		3
Tenth do. do.		10
Right Bank, (Algiers)		2
Ouachita	1,887	1

Plaquemine.....	2,595.....	1
Point Coupé.....	4,094.....	2
Rapides.....	9,711.....	4
Sabin.....	4,115.....	2
St. Bernard.....	1,771.....	1
St. Charles.....	938.....	1
St. Helena.....	3,413.....	1
St. James.....	3,348.....	1
St. John Baptist.....	3,037.....	1
St. Landry.....	10,703.....	4
St. Martin's.....	5,005.....	2
St. Mary.....	3,508.....	1
St. Tammany.....	3,153.....	1
Tensas.....	1,479.....	1
Terrebonne.....	5,234.....	2
Union.....	6,641.....	3
Vermilion.....	3,001.....	1
Washington.....	2,996.....	2
Winn.....	5,481.....	2
	357,629	150

III. Any parish not now within the lines of the army shall be entitled to elect delegates as herein specified, at any time before the dissolution of the convention, should such parish be brought within the lines of the army.

IV. Every free white male, twenty-one years of age, who has been a resident of the State twelve months, and six months in the parish in which he offers to vote, who is a citizen of the United States, and who shall have taken the oath prescribed by the President, in his proclamation of the 8th December, 1863, shall have the right to vote in the election of delegates.

V. Citizens of the State, who have been expelled from their homes by the public enemy on account of their devotion to the Union, and who would be qualified voters in the parishes to which they belong, will be allowed to vote for delegates in the election precincts in which, for the time being, they may reside.

VI. Citizens of the State who have volunteered for the defence of the country in the army or navy, and who are otherwise qualified voters, will be allowed to vote in the election precincts in which they may be found on the day of election.

VII. The commissioners of election appointed to superintend the polls at the election of State officers, February 22d, 1864, are authorized and directed, in the absence of other orders, to fulfil and discharge all the duties of commissioners of election in their respective precincts, for this election.

VIII. The commissioners of election, at any election precinct, are authorized to administer the oath of allegiance, as prescribed by the President, to any person otherwise qualified to vote, and to register the name of such voter in New Orleans, where a register is required, or to receive it in other parishes where no register is required, at any time before the polls are closed on the day of election.

IX. The commissioners in the several parishes will make prompt returns of the votes given to the sheriff of the parish, as provided by law, or in his absence to the provost marshal, who will immediately return the same to the secretary of state, in the same manner and form as for members of the general assembly.

X. The sheriffs of the several parishes, and in their absence the provost marshals, will take especial care that the polls are properly opened, and that suitable judges of election and other officers are appointed. It is desirable that all persons properly qualified shall vote, but it is more important that the integrity of the election shall not be vitiated by illegal or fraudulent acts.

XI. The delegates duly elected to the convention shall meet at Liberty Hall, Executive Building, in the city of New Orleans, at 12 o'clock m., on Wednesday, the 6th day of April, 1864. In case any vacancy occurs, by resignation or death, after the organization of the convention, a writ of election shall be issued by the convention to fill the vacancy.

By command of Major General Banks:

RICHARD B. IRWIN,
Assistant Adjutant General.

Official:

J. SCHUYLER CROSBY,
Acting Assistant Adjutant General.

E.

PROCLAMATION BY MICHAEL HAHN, GOVERNOR OF THE STATE OF LOUISIANA.

To the sheriffs throughout the State:

Whereas, by General Orders No. 35, under date of March 11, 1864, Major General N. P. Banks, commanding the department of the gulf, has ordered that an election "be held on Monday, the 28th day of March next, at 9 o'clock a. m., in each of the election precincts established by law in this State, for the choice of delegates to a convention to be held for the revision and amendment of the constitution of Louisiana," and has directed that the several parishes shall be entitled to elect the number of delegates herein assigned to each upon the basis of the white population exhibited by the census of 1860, to be chosen in each parish on one ticket by the qualified voters of the parish, except in the parish of Orleans; in which parish the election shall be held in the several representative districts established by law for the number of delegates herein assigned to each district, to be chosen on one ticket by the qualified voters of the district, as follows:

Parishes.	No. of delegates.	Parishes.	No. of delegates.
Ascension	2	Rapides	4
Assumption	3	Sabine	2
Avoyelles	2	St. Bernard	1
Baton Rouge, East	3	St. Charles	1
Baton Rouge, West	1	St. Helena	1
Bienville	2	St. James	1
Bossier	1	St. John Baptist	1
Caddo	2	St. Landry	4
Calcasieu	2	St. Martins	2
Caldwell	1	St. Mary	1
Carroll	2	St. Tammany	1
Catahoula	3	Tensas	1
Claiborne	4	Terrebonne	2
Concordia	1	Union	3
De Soto	2	Vermilion	1
Felician, East	2	Washington	1
Felician, West	1	Winn	2
Franklin	1	ORLEANS.	
Iberville	2	First Rep. Dist	7
Jackson	2	Second do.	11
Jefferson	4	Third do.	9
Lafayette	2	Fourth do.	5
Lafourche	3	Fifth do.	5
Livingston	1	sixth do.	4
Madison	1	Seventh do.	4
Morehouse	2	Eighth do.	3
Natchitoches	3	Ninth do.	3
Ouachita	1	Tenth do.	10
Plaquemine	1	Right Bank (Algiers)	2
Point Coupé	2		
Total			150

Now, therefore, I have thought proper to issue this my proclamation, notifying the qualified electors throughout the State of the election aforesaid, and commanding all sheriffs, commissioners of election, and other officers therein concerned, to hold said election for delegates in their respective parishes, and in the parish of Orleans, in the representative districts as aforesaid, and to give the proper public notice thereof; and I enjoin upon them care that said election be held and conducted at the places and in the manner designated by law and the general orders aforesaid, and that the returns be promptly made to the secretary of state at New Orleans. For all of which this proclamation, without further notice, will serve as authority.

Given under my hand and seal of the State, at the Executive Building, city of New Orleans, this sixteenth day of March, A. D. 1864, and of the independence of the [L. s.] United States of America the eighty-eighth.

MICHAEL HAHN.

By the Governor:
S. WROTNOWSKI, *Secretary of State.*

[OFFICIAL.]

Proclamation by J. Madison Wells, lieutenant and acting governor of the State of Louisiana.

EXECUTIVE OFFICE, NEW ORLEANS, July 27, 1864.

Whereas the convention lately assembled at the city of New Orleans for the purpose of revising and amending the constitution of the State of Louisiana has ordained "that immediately after the adjournment of the convention the governor shall issue his proclamation directing the several officers of this State authorized by law to hold elections, or, in default thereof, such officers as he shall designate, to open and hold polls in the several parishes of the State, at the places designated by law, on the first Monday of September, 1864, for the purpose of taking the sense of the good people of this State in regard to the adoption or rejection of this constitution; and it shall be the duty of said officers to receive the suffrages of all qualified voters. Each voter shall express his opinion by depositing in the ballot-box a ticket whereon shall be written 'The constitution accepted' or 'The constitution rejected.' At the conclusion of the said election, the officers and commissioners appointed to preside over the same shall carefully examine and count each ballot as deposited, and shall forthwith make due return thereof to the Secretary of State, in conformity to the provisions of law and usages in regard to elections:"

Now, therefore, I have thought proper to issue this my proclamation, notifying the qualified voters of the State of the ordinance of the convention as aforesaid, and further commanding all sheriffs, commissioners of elections, and all officers therein concerned, to notify the people to assemble and vote upon the acceptance or rejection of the constitution upon the aforesaid first Monday of September next, and that the proceedings be conducted and returns thereof be made as ordained in said constitution.

Given under my hand and seal of the State, at the city of New Orleans, the 27th day of July, A. D. 1864, and the independence of the United States the eighty-ninth.

J. MADISON WELLS.

By the Governor:

S. WROTNOWSKI, *Secretary of State.**Proclamation by J. Madison Wells, lieutenant and acting governor of the State of Louisiana.*

EXECUTIVE OFFICE, NEW ORLEANS, July 30, 1864.

Whereas the convention lately assembled in the city of New Orleans for the purpose of revising and amending the constitution of the State of Louisiana has adopted an ordinance "to provide for an election to fill vacancies in the representation of the State of Louisiana in the thirty-eighth Congress," containing the following provisions:

"SEC. 1. *Be it ordained by the people of the State of Louisiana, in convention assembled,* That an election shall be held by the qualified electors of the State of Louisiana on the first Monday of September, 1864, for representatives in the Congress of the United States of America, to fill the vacancies now existing in the thirty-eighth Congress, and to serve until the end of the term of said Congress.

"SEC. 2. *Be it further ordained,* That, until otherwise directed by law, the State shall be divided into five congressional districts, as follows, and the qualified electors of each district shall choose one representative:

"The first congressional district shall comprise the parishes of St. Bernard and Plaquemines, the right bank of the parish of Orleans, the ninth, eighth, seventh, sixth, and fifth representative districts of the parish of Orleans, and that portion of the fourth representative district of the parish of Orleans which is bounded by St. Louis, Rampart, and Canal streets, and the rear line of said representative district.

"The second congressional district shall comprise that portion of the fourth representative district of the parish of Orleans which is bounded by St. Louis, Rampart, and Canal streets and the Mississippi river, the third, second, and first representative districts of the parish of Orleans, and that portion of the tenth representative district of the parish of Orleans which is known and designated by existing statutes as the tenth ward of the city of New Orleans.

"The third congressional district shall comprise that part of the tenth representative district of the parish of Orleans which is known and designated as the eleventh ward of the city of New Orleans, and the parishes of Jefferson, Washington, St. Tammany, St. Helena, Livingston, St. Charles, St. John the Baptist, St. James, Ascension, East Baton Rouge, East Feliciana, West Feliciana, Terre Bonne, and Lafourche.

"The fourth congressional district shall comprise the parishes of Natchitoches, Sabine, Rapides, Calcasieu, St. Landry, Vermilion, Avoyelles, Pointe Coupee, Lafayette, St. Martin, West Baton Rouge, Iberville, Assumption, and St. Mary.

"The fifth congressional district shall comprise the parishes of Bossier, Claiborne, Union,

Morehouse, Carroll, Bienville, Jackson, Ouachita, Caldwell, Franklin, Madison, Tensas, Concordia, Catahoula, Winn, Caddo, and De Soto."

And whereas it is provided in the constitution adopted by said convention that there shall be a session of the general assembly held in the city of New Orleans, beginning on the first Monday of October, 1864, and it shall be the duty of the governor to cause a special election to be held for members of the general assembly in all the parishes where the same may be held on the day of election for ratification or rejection of this constitution:

And whereas it is further provided in said constitution that at said election the representation in the senate and house of representatives shall be as follows:

For the parish of Orleans, forty-four representatives, to be elected as follows:

First representative district.....	3
Second do. do.....	5
Third do. do.....	7
Fourth do. do.....	3
Fifth do. do.....	4
Sixth do. do.....	2
Seventh do. do.....	3
Eighth do. do.....	3
Ninth do. do.....	4
Tenth do. do.....	8
Orleans (right bank) do.....	2
For the parish of Livingston.....	1
Do. St. Tammany.....	1
Do. Pointe Coupee.....	1
Do. St. Martin.....	2
Do. Concordia.....	1
Do. Madison.....	1
Do. Franklin.....	1
Do. St. Mary.....	1
Do. Jefferson.....	3
Do. Plaquemines.....	1
Do. St. Bernard.....	1
Do. St. Charles.....	1
Do. St. John the Baptist.....	1
Do. St. James.....	1
Do. Ascension.....	1
Do. Assumption.....	3
Do. Lafourche.....	3
Do. Terre Bonne.....	2
Do. Iberville.....	1
Do. West Baton Rouge.....	1
Do. East Baton Rouge.....	2
Do. West Feliciana.....	1
Do. East Feliciana.....	1
Do. St. Helena.....	1
Do. Washington.....	1
Do. Vermilion.....	1
Do. Lafayette.....	2
Do. St. Landry.....	4
Do. Calcasieu.....	2
Do. Avoyelles.....	2
Do. Rapides.....	3
Do. Natchitoches.....	2
Do. Sabine.....	1
Do. Caddo.....	2
Do. De Soto.....	2
Do. Ouachita.....	1
Do. Union.....	2
Do. Morehouse.....	1
Do. Jackson.....	2
Do. Caldwell.....	1
Do. Catahoula.....	2
Do. Claiborne.....	3
Do. Bossier.....	1
Do. Bienville.....	2
Do. Carroll.....	1
Do. Tensas.....	1
Do. Winn.....	2

Total..... 118

And the State shall be divided into the following senatorial districts :

All that portion of the parish of Orleans lying on the left bank of the Mississippi river shall be divided into two senatorial districts. The first and fourth districts of the city of New Orleans shall compose one district, and shall elect five senators ; and the second and third districts of said city shall compose the other district, and shall elect four senators.

The parishes of Plaquemines, St. Bernard, and all that part of the parish of Orleans on the right bank of the Mississippi river, shall form one district, and shall elect one senator.

The parish of Jefferson shall form one district, and shall elect one senator.

The parish of St. Charles and Lafourche shall form one district, and shall elect one senator.

The parishes of St. John the Baptist and St. James shall form one district, and shall elect one senator.

The parishes of Ascension, Assumption, and Terre Bonne shall form one district, and shall elect two senators.

The parish of Iberville shall form one district and shall elect one senator.

The parish of East Baton Rouge shall form one district, and shall elect one senator.

The parish of West Baton Rouge, Pointe Coupee and West Feliciana shall form one district, and shall elect two senators.

The parish of East Feliciana shall form one district, and shall elect one senator.

The parishes of Washington, St. Tammany, St. Helena, and Livingston shall form one district, and shall elect one senator.

The parishes of Concordia and Tensas shall form one district, and shall elect one senator.

The parishes of Madison and Carroll shall form one district, and shall elect one senator.

The parishes of Morehouse, Ouachita, Union, and Jackson shall form one district, and shall elect two senators.

The parishes of Catahoula, Caldwell, and Franklin shall form one district and shall elect one senator.

The parishes of Bossier, Bienville, Claiborne, and Winn shall form one district, and shall elect two senators.

The parishes of Natchitoches, Sabine, De Soto and Caddo shall form one district, and shall elect two senators.

The parishes of St. Landry, Lafayette, and Calcasieu shall form one district, and shall elect two senators.

The parishes of St. Martin and Vermilion shall form one district, and shall elect one senator.

The parish of St. Mary shall form one district, and shall elect one senator.

The parishes of Rapides and Avoyelles shall form one district, and shall elect two senators.

Now, therefore, I have thought proper to issue this my proclamation, notifying the qualified voters throughout the State of the elections aforesaid, and I hereby command all sheriffs, commissioners of elections, and other officers therein concerned, to hold said elections for representatives to Congress and senators and representatives to the general assembly, on the first Monday of September next, and that the proceedings be conducted and returns thereof be made according to the provisions of law and usages in this State in holding elections.

Given under my hand and the seal of the State, at the city of New Orleans, this 30th day of July, A. D. 1864, and of the independence of the United States the eighty-ninth.

J. MADISON WELLS.

By the Governor :

S. WROTNOWSKI, *Secretary of State.*

G.

CENSUS—1860.

MISSISSIPPI RIVER PARISHES.

	Total population.
Plaquemine	8,494
St. Bernard	4,076
Orleans	174,491
Jefferson	15,372
St. Charles	5,297
St. John Baptist	7,390
St. James	11,499
Ascension	11,484
Iberville	14,661
West Baton Rouge	7,312
East Baton Rouge	16,046

	Total population..
Point Coupée	17,718
West Feliciana.....	11,671
Avoyelles.....	13,167
Concordia	13,805
Tensas	16,078
Madison	14,133
Carroll	18,052
	<u>381,286</u>

RED RIVER DISTRICT.

Rapides	25,360
Natchitoches	16,699
De Soto	13,298
Caddo.....	12,140
Bossier	11,348
	<u>78,845</u>

BLACK AND WASHITA DISTRICT.

Catahoula	11,651
Caldwell.....	4,832
Franklin.....	6,162
Ouachita, (Washita).....	4,708
Union	10,389
Morehouse.....	10,357
Jackson	9,465
	<u>57,565</u>

LA FOURCHE DISTRICT.

Terre Bonne	12,091
La Fourche.....	14,044
St. Martin's.....	12,674
Assumption.....	15,379
	<u>54,188</u>

TECHE DISTRICT.

St. Mary's	16,816
Lafayette	9,063
St. Landry.....	23,104
	<u>48,983</u>

AMITE DISTRICT.

Livingston.....	4,031
St. Helena.....	7,130
East Feliciana	14,697
	<u>25,858</u>

OUTSIDE PARISHES.

St. Tammany	5,406
Washington	4,708
	<u>10,114</u>

SABINE PARISHES.

Sabine	5,828
Calcasieu	5,928
Vermilion	4,324
	<u>16,080</u>

LAKE BISTENEAU DISTRICT.

	Total population.
Bienville.....	11,000
Claiborne.....	16,848
	27,848

ON SALINE LAKE, NEAR NATCHITOCHES.

Winn	6,876

RECAPITULATION.

Mississippi river parishes.....	381,286
Red river parishes	78,845
Black and Washita parishes	57,565
La Fourche district.....	54,188
Teché district	48,983
Lake Bisteneau district.....	27,848
Amite district	25,858
Sabine district.....	16,080
Outside parishes.....	10,114
Saline lake, near Natchitoches	6,876
	707,643



STATE OF NEW YORK

For the year ending

1880

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1948

ACCOUNT OF SOLDIERS WHO ENLISTED IN THE OLD REGIMENTS.

(IN ANSWER TO A RESOLUTION OF THE HOUSE.)

Presented in the House of Representatives
January 14, 1875.

Submitted by the Committee on Military Affairs, under the following

REPORT,

The Committee on Military Affairs, in answer to a resolution of the House, passed on the 12th of December, 1874, relative to the enlistment of soldiers in the old regiments, and in answer to a resolution of the House, passed on the 12th of December, 1874, relative to the enlistment of soldiers in the old regiments, and in answer to a resolution of the House, passed on the 12th of December, 1874, relative to the enlistment of soldiers in the old regiments.

That during the years 1871 and 1872 a considerable number of soldiers were enlisted in the old regiments, and that the military authorities, in consequence of the enlistment of soldiers in the old regiments, and in consequence of the enlistment of soldiers in the old regiments, and in consequence of the enlistment of soldiers in the old regiments.

The Committee on Military Affairs, in answer to a resolution of the House, passed on the 12th of December, 1874, relative to the enlistment of soldiers in the old regiments, and in answer to a resolution of the House, passed on the 12th of December, 1874, relative to the enlistment of soldiers in the old regiments, and in answer to a resolution of the House, passed on the 12th of December, 1874, relative to the enlistment of soldiers in the old regiments.

The Committee on Military Affairs, in answer to a resolution of the House, passed on the 12th of December, 1874, relative to the enlistment of soldiers in the old regiments, and in answer to a resolution of the House, passed on the 12th of December, 1874, relative to the enlistment of soldiers in the old regiments, and in answer to a resolution of the House, passed on the 12th of December, 1874, relative to the enlistment of soldiers in the old regiments.

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The Committee on Military Affairs, in answer to a resolution of the House, passed on the 12th of December, 1874, relative to the enlistment of soldiers in the old regiments, and in answer to a resolution of the House, passed on the 12th of December, 1874, relative to the enlistment of soldiers in the old regiments, and in answer to a resolution of the House, passed on the 12th of December, 1874, relative to the enlistment of soldiers in the old regiments.

DISCHARGE OF SOLDIERS WHO ENLISTED TO FILL OLD REGIMENTS.

[To accompany joint resolution H. R. No. 166.]

FEBRUARY 16, 1865.—Ordered to be printed.

Mr. GARFIELD, from the Committee on Military Affairs, made the following

REPORT.

The Committee on Military Affairs, to whom was referred H. R. 433, also memorials of the governor and legislature of the State of Indiana, together with sundry petitions, in reference to the discharge of certain soldiers enlisted into the military service in the years 1862 and 1863, have had the same under consideration, and beg leave respectfully to report:

That during the years 1862 and 1863 a considerable number of persons volunteered into the military service, enlisting in regiments or companies already organized and in the field, with the understanding that they would be mustered out with their regiments or companies.

The terms of enlistment of many such regiments have now expired, and others will soon expire, but the persons who enlisted subsequent to the organization of the regiments or companies are held to serve three years from the date of their enlistment. In the petitions before the committee nearly all the loyal States west of the Hudson river are represented.

The petitioners set forth that they enlisted with the positive assurance that they were to be held only for the unexpired term of their regiments; that notices to that effect were given in handbills and the public papers; that this short term of service was offered by recruiting officers as an inducement to them to enlist, and that the United States mustering officers in some instances confirmed the statements of recruiting officers, by telling the recruits that though, as a necessary technical form, the muster-in rolls fixed the term of enlistment at three years, they would be held only till their regiments or companies were mustered out.

It is alleged in the evidence before the committee that, in many instances, recruits declined to sign the muster-in rolls till this assurance was given. Your committee find that a large number of regiments have recently gone out of the service, leaving squads of from twenty to one hundred men to be distributed among other regiments to serve out the remainder of their three years, and that the men thus left feel greatly aggrieved, and believe that the government has not treated them in good faith. With a single exception, the rolls in the War Department show no evidence that these men were mustered for any term less than three years.

The justice of their claim to be mustered out with their organizations depends mainly on the question whether the government authorized or allowed assurances to that effect to be given them. The following documents show what the action of the War Department has been at various times.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, April 28, 1863.

[General Orders, No. 108.]

1. Whenever volunteer troops are mustered out of service, *the entire regiment or other organization* will be considered as mustered out at one time and place, except prisoners of war, who will be considered as in service until their arrival in a loyal State, with an allowance of time necessary for them to return to their respective places of enrolment.

By order of the Secretary of War.

E. D. TOWNSEND,
Assistant Adjutant General.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, September 26, 1862.

SIR: In reply to yours of the 21st instant, stating the number of regiments raised, and to be raised, in your State, and also making suggestions in reference to filling old regiments, I am directed to say that recruits for old regiments of volunteers for three years, or during the war, will be discharged at the expiration of the term for which the regiment was originally enlisted.

By order of the Secretary of War.

C. P. BUCKINGHAM,
Brigadier General and Acting Adjutant General.

His Excellency Governor KIRKWOOD,
Governor of Iowa.

The following papers relating to enlistments in Massachusetts, and purporting to be copies of the letters called for from the Secretary of War in House resolution of December 15, 1864, were referred to the committee:

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, D. C., December 21, 1863.

Recruits for Massachusetts regiments, enlisted with conditions that they should be discharged when their regiments should be mustered out of service, as per General Order No. 28, headquarters State of Massachusetts, series 1862, will be permitted to re-enlist as veterans under the same conditions as other men in the regiments.

This permission is applicable only to the men in question, and cannot be extended to other States. The authority to enlist men with condition that they should be discharged with their regiments was special and peculiar, and given only to the governor of Massachusetts. It must be distinctly understood, however, that the men so enlisting cannot get the one hundred dollars bounty provided by section 6 of the act of July 22, 1861, General Order 49, same year, unless they serve two years under original enlistment.

The foregoing is the decision of the War Department.

THOMAS M. VINCENT,
Assistant Adjutant General.

Brigadier General S. WILLIAMS,
Assistant Adjutant General.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, D. C., December 22, 1863.

SIR: I am directed by the Secretary of War to inform you that recruits from Massachusetts regiments, enlisted under provisions of General Order 28, head-

quarters State of Massachusetts, July 23, 1862, will be discharged when the term of service of the regiment expires.

All recruits so enlisted will be entitled to re-enlist as veteran volunteers so soon as they have been in the service two years.

I have the honor to remain, sir, very respectfully, your obedient servant,

THOMAS M. VINCENT,

Assistant Adjutant General.

His Excellency GOVERNOR OF MASSACHUSETTS,

Boston, Mass.

In the letter of the Secretary of War of January 28, 1865, in response to House resolutions of December 15, 1864, calling for copies of the above letters, the following are copied from the files of the department:

WASHINGTON, *July 21, 1862—4.15 p. m.*

Governor ANDREW, *Boston:*

You are authorized to say that new recruits for old regiments will be mustered with the regiment.

EDWIN M. STANTON,

Secretary of War.

The foregoing telegram is given as it was written and transmitted, but Governor Andrew claimed, and no doubt correctly, that the word "out" was designed to follow the word "mustered," but had been inadvertently omitted, and that he had so understood and acted upon it. This view has been assented to by the department, so that it should read as follows:

WASHINGTON, *July 21, 1862—4.15 p. m.*

Governor ANDREW, *Boston:*

You are authorized to say that new recruits for old regiments will be mustered out with the regiment.

EDWIN M. STANTON,

Secretary of War.

ADJUTANT GENERAL'S OFFICE,

Washington, D. C., December 28, 1863.

SIR: The Secretary of War directs me to inform you that all men enlisted in volunteer organizations from Massachusetts for the unexpired term of service of regiments, pursuant to his telegram of July 21, 1862, will be mustered out of service and discharged with the regiments to which they belong. It is, of course, unnecessary to add that this rule is not now in force.

I am, sir, very respectfully, your obedient servant,

SAM'L BRECK,

Assistant Adjutant General.

His Excellency JNO. A. ANDREW,

Governor of Massachusetts, Boston.

Two days after the receipt of the telegram of July 21, 1862, as given above, the following general order was issued by the governor of Massachusetts, and enlistments into all regiments of that State were made accordingly:

[General Orders, No. 28.]

EXECUTIVE DEPARTMENT,

Boston, Massachusetts, July 23, 1862.

1. By authority from the honorable the Secretary of War, it is hereby declared by the governor that all soldiers who may enlist in any of the regiments

of three-years' volunteers will be discharged whenever their regiments are mustered out of service—in the same manner as those soldiers who enlisted at the time when those regiments were organized.

* * * * *

By order of his excellency,

JOHN A. ANDREW,
Governor and Commander in Chief.

WILLIAM SCHOULAR,
Adjutant General.

From these documents it is manifest that at least two of the States were, in 1862, expressly permitted, by authority of the War Department, to enlist men for the unexpired term of regiments then in the field, and the language, both of the letter to the governor of Iowa and the telegram to the governor of Massachusetts, would create a fair presumption that the rule of enlistment was general. There is nothing in these communications which would lead the people to suppose that the permission granted was "*special and peculiar, and granted only to the governor of Massachusetts.*"

It is, therefore, not difficult to understand how governors, military committees, recruiting officers, and citizens in other States were led to suppose that their soldiers would be enlisted on the same terms as those from Massachusetts and Iowa. That they did proceed on that supposition, and that the ranks of old regiments, thinned by from six to twelve months of battle and disease, were filled by volunteers to serve for the unexpired term of the regiment, and that, too, when in several States a draft for nine-months' men was impending, is beyond question.

In view of these facts and considerations the duty of Congress is plain. The War Department has no authority to go behind the official record contained in the muster-roll. The remedy is in Congress. Your committee are very reluctant to recommend any measure which may tend to weaken or diminish our armies in the field. It is always a calamity to lose a veteran soldier from the service, and the passage of the accompanying resolution will authorize the discharge of a considerable number of valuable soldiers from the ranks; but your committee, believing it of still greater consequence that the government deal justly, and keep faith with its faithful soldiers, are not willing that the petitioners, now on duty in the field, shall be compelled to serve under a contract which they believe to be fraudulent on the part of the government.

Your committee, therefore, recommend the passage of the accompanying joint resolution.

ANTHONY P. FAUST, ONLY SON OF JOHN FAUST.

FEBRUARY 16, 1865.—Laid on the table and ordered to be printed.

Mr. LAW, from the Committee on Revolutionary Pensions, made the following

REPORT.

The Committee on Revolutionary Pensions, to which was referred the petition of Anthony P. Faust, only surviving child of John Faust, a Revolutionary soldier, praying for the pension due his mother, Mary Faust, at the time of her death, report:

That the papers in this case show that a pension certificate, issued September 26, 1818, to one John Faust, father of the petitioner, a private soldier in the Revolutionary war, for a pension of \$96 per annum, under the act of March 18, 1818; that the pension allowed to said John Faust was discontinued from March 20, 1820, by virtue of the act of May 1, 1820; that said John Faust died April 10, 1820, leaving a widow, who died March 31, 1835.

The petitioner claims that the widow was entitled to a pension from the date of the pensioner's death to the date of the widow's death.

But during that time there was no law authorizing or allowing pensions to the widows of Revolutionary soldiers.

The first act allowing pensions to such widows was approved July 4, 1836, more than a year after the widow's death.

The committee therefore report adverse to the claim.

1864
No. 15

HOUSE OF REPRESENTATIVES

33rd Congress
2d Session

WILLIAM A. ALLEN
Governor and Commander in Chief

WILLIAM A. ALLEN

Adjutant General

REPORT OF THE JOINT SELECT COMMITTEE

ON THE
MATTER OF THE
RECEIPTS OF THE
UNITED STATES
TREASURY
FOR THE
FISCAL YEAR
1864

The committee have the honor to acknowledge the receipt of the report of the Joint Select Committee on the Receipts of the United States Treasury for the Fiscal Year 1864, and to state that the same has been forwarded to the proper authorities for their consideration.

A. P. FIELD.—SECOND CONGRESSIONAL DISTRICT OF
LOUISIANA.

FEBRUARY 17, 1865.—Laid upon the table and ordered to be printed.

Mr. DAWES, from the Committee of Elections, made the following

REPORT.

The Committee of Elections, to whom were referred the credentials of A. P. Field, claiming a seat in this house as a representative from the second congressional district in Louisiana, submit the following report :

The election upon which Mr. Field claims the seat was held on the 5th of September, 1864. The number of votes cast was—

For A. P. Field.....	1, 377 votes.
For A. P. Dostie.....	1, 023 "
Total.....	2, 400
Majority.....	354

This district comprises that portion of the fourth representative district of the parish of Orleans which is included between St. Louis, Roupart, and Canal streets, and the Mississippi river; the first, second, and third representative districts of the parish of Orleans, and that portion of the tenth representative district of the parish of Orleans which is known and designated by existing statutes as the tenth ward of the city of New Orleans.

This election, like that of Mr. Bouzano, heretofore reported upon, (Report No. 13, H. of Reps.,) depends for its validity upon the effect which the House is disposed to give to the efforts to reorganize a State government in Louisiana, which have been laid before the House in that report. For the facts connected with those efforts, and the conclusions of the committee upon the same, they respectfully refer to the report in that case, which, to that extent, they desire to make a part of this report.

The committee report the following resolution, and recommend its adoption

Resolved, That A. P. Field is entitled to a seat in this house as a representative from the second congressional district in Louisiana.

A. R. FIELD.—SECOND CONGRESSIONAL DISTRICT OF LOUISIANA

January 17, 1857.—Laid upon the table and ordered to be printed.

Mr. DAWES, from the Committee of Elections, made the following

REPORT.

The Committee of Elections, to whom were referred the credentials of A. R. Field, claiming a seat in this house as a representative from the second congressional district in Louisiana, submit the following report:

The election upon which Mr. Field claims the seat was held on the 25th of September, 1854. The number of votes cast was—

For A. R. Field	1,551 votes
For A. T. Douthett	1,091 "
Total	2,642
Majority	1,321

This district comprises that portion of the parish represented by the parish of Orleans which is included between the Lake Borgne and Canal streets, and the Mississippi river; the first section and the second section of the parish of Orleans, and that portion of the parish of Orleans which is included by the district of the parish of Orleans which is known and designated by existing statutes as the tenth ward of the city of New Orleans.

The election, like that of Mr. Douthett, is reported upon (House No. 12, H. of Reps.) depends for its validity upon the effect which the House is disposed to give to the efforts to reorganize a State Government in Louisiana, which have been laid before the House in that report. For the facts connected with these efforts, and the consideration of the committee upon the same, they respectfully refer to the report in that case which is that report, they desire to make a part of this report.

The committee report the following resolution and recommend its adoption: Resolved, That A. R. Field is entitled to a seat in this house as a representative from the second congressional district in Louisiana.

W. D. MANN.—THIRD CONGRESSIONAL DISTRICT OF
LOUISIANA.

FEBRUARY 17, 1865.—Laid on the table and ordered to be printed.

Mr. DAWES, from the Committee of Elections, made the following

R E P O R T.

The Committee of Elections, to whom were referred the credentials of W. D. Mann, claiming a seat in this House as a representative from the third Congressional district in Louisiana, submit the following report :

The election in this case was held on the 5th of September, 1864. The number of votes cast was :

For W. D. Mann	1, 908
All others	100
Total	2, 008

This district comprises that part of the tenth representative district of the parish of Orleans, which is known and designated as the eleventh ward of the city of New Orleans, and the parishes of Jefferson, Washington, St. Tammany, St. Helena, Livingston, St. Charles, St. John the Baptist, St. James, Ascension, East Baton Rouge, East Feliciana, West Feliciana, Terrebonne, and Lafourche.

The principles involved in this case are the same which have been considered at length in the report upon the case of Mr. Bowzano, of the first district, to which the House is respectfully referred.

The committee recommend the adoption of the subjoined resolution :

Resolved, That W. D. Mann is entitled to a seat in this House as a representative from the third congressional district in Louisiana.

W. D. MANN—THIRD CONGRESSIONAL DISTRICT OF LOUISIANA

January 17, 1865.—Laid on the table and ordered to be printed.

Mr. DAVIS, from the Committee on Elections, made the following

REPORT

The Committee on Elections, to whom were referred the certificate of W. D. Mann, claiming a seat in this House as a representative from the third Congressional district in Louisiana, submit the following report:

The election in this case was held on the 23d of September, 1864. The number of votes cast was:

For W. D. Mann	1,908
All others	100
Total	2,008

This district comprises that part of the parish represented by the parish of Iberville which is known and designated as the seventh ward of the city of New Orleans, and the parishes of Iberville, St. James, St. Mary, St. Thomas, Livingston, St. Charles, St. John, St. Louis, St. Peter, St. Paul, St. Andrew, St. Philip, St. Martin, St. Anne, and St. Rose.

The petitioners introduced in this case the same which have been considered at length in the report upon the case of Mr. Mann of the first district to which the issue is respectfully referred.

The committee recommend the adoption of the petitioners' contention: Resolved, That W. D. Mann is entitled to a seat in this House as a representative from the third congressional district in Louisiana.

T. M. JACKS AND J. M. JOHNSON—FIRST AND THIRD CON-
GRESSIONAL DISTRICTS OF ARKANSAS.

FEBRUARY 17, 1865.—Laid upon the table and ordered to be printed.

Mr. DAWES, from the Committee of Elections, made the following

REPORT.

The Committee of Elections, to whom were referred the credentials of T. M. Jacks and J. M. Johnson, claiming seats in this House as representatives from the first and third congressional districts of Arkansas, submit the following report :

There seems in Arkansas at all times to have been a large number of unconditional Union men. It is evident that the so-called secession ordinance was not passed in accordance with the wishes of the people of the State. The convention elected in 1861 was largely Union, but, without instructions from the people, passed the ordinance of secession.

After three years of war and desolation, the loyal people of Arkansas assembled in convention at Little Rock in January, 1864. The result of the convention's deliberations was the amending of the State constitution, the appointment of a provisional governor, lieutenant governor, and secretary of state, and the designation of the 14th, 15th, and 16th days of March as the time for holding a general election throughout the State.

The acts of this convention, judging from the statements of its members, were rather suggestive than obligatory. Indeed it did not claim its acts as binding until they were ratified by the people, which was done with a unanimity seldom met with. At the election on the 14th, 15th, and 16th of March the acts of the convention were approved by 12,177 voters, while they were disapproved by only 226. At that election the people of more than forty counties elected State and county officers necessary to set to work again the machinery of a loyal State government which had been overthrown by the rebellion in the month of May, 1861.

On the 18th of April, 1864, the State government was formally inaugurated, since which time it has been struggling for an existence under difficulties which those who are strangers to its trials cannot properly appreciate.

The amended constitution differs from the constitution of the State before the rebellion in but a few important particulars.

1st. It forever prohibits slavery or involuntary servitude, which it does in the following words, viz :

[Extract from the present Constitution of the State of Arkansas.]

ARTICLE V.

Abolishment of Slavery.

SEC. 1. "Neither slavery nor involuntary servitude shall hereafter exist in this State, otherwise than for the punishment of crime, whereof the party shall have been convicted by due process of law ; nor shall any male person arrived at the age of twenty-one years, nor female arrived at the age of eighteen years,

be held to serve any person as a servant, under any indenture or contract hereafter made, unless such person shall enter into such indenture or contract while in a state of perfect freedom, and on condition of a *bona fide* consideration received, or to be received" for their services.

"Nor shall any indenture of any negro or mulatto hereafter made and executed out of this State, or, if made in this State, when the term of service exceeds one year, be of the least validity, except those given in case of apprenticeship, which shall not be for a longer term than until the apprentice shall arrive at the age of twenty-one years, if a male, or the age of eighteen years, if a female."

It also provides for the office of lieutenant governor, an office not known to the old State constitution.

The supreme judges of the State are, under the amended constitution, elected by the people; under the old they were chosen by the legislature. There are some other trifling differences relating to the trial for cases of assault and battery, the amount of claims that may be tried before a justice's court, &c.

The preamble to the constitution repudiates emphatically the rebel debt of the State, and declares null and void all acts of rebel magistrates done under the authority of the rebellion, save the solemnization of matrimony, the act of conveyancing, and others of similar nature provided for under like circumstances under the common law. The convention also provided that all laws and parts of laws in force in the State prior to the sixth day of May, A. D. 1861, and not inconsistent with the amended constitution, should be in full force and effect as before the rebellion.

The governor elect was duly and formally inaugurated on the 18th April. The legislature, composed of senators and representatives from more than forty of fifty-five counties in the State, met at the State capitol, on the 11th of April, and each house organized with a quorum present during the first week of the session.

The legislature remained in session to the 1st of June, when they adjourned until the first Monday in November, at which time they again met, and continued in session to the 1st of January of the present year, when they again adjourned until the 1st January, A. D. 1866.

During the session of April and May, 1864, the legislature elected two United States senators, to fill the unexpired terms of Wm. K. Sebastian and Dr. Mitchell, senators from that State previous to the commencement of the rebellion.

During the said session of the legislature they passed an act defining the qualification of voters, which shows most clearly that they entertain no sympathy or fellowship with the rebellion. The sixth section of that act is in the following words:

"*And be it further enacted by the general assembly of the State of Arkansas, That each voter shall, before depositing his vote at any election in this State, take an oath that he will support the Constitution of the United States and of this State, and that he has not voluntarily borne arms against the United States, or this State, nor aided, directly or indirectly, the so-called confederate authorities, since the eighteenth day of April, A. D. 1864, (the day the governor was inaugurated,) said oath to be administered by one of the judges of the election; and this act shall take effect from and after its passage.*"

This act shows a commendable prudence on the part of the legislature to guard the ballot-box against the disloyal part of the people. While the constitution makes no provision against returned rebels who were once citizens of the State, this prompt legislation shows that the people are determined to guard themselves in the future against those who have well nigh ruined their State in the past.

Arkansas has given another proof of her loyalty and devotion to the United States, which should not be overlooked. From evidence which your committee

have no disposition to discredit, it appears that Arkansas has furnished at least ten thousand volunteer soldiers for the United States armies. These men are to-day either filling a soldier's grave, or the ranks of their country's armies.

At the election in March, 1864, the people of the 1st congressional district elected T. M. Jacks as their representative in Congress, by a vote of about three thousand. The 2d district elected A. A. C. Rogers by a large majority over his competitor. The 3d district, J. M. Johnson, by a very large majority.

The first district is composed of the following named counties: Arkansas, Conway, Crittenden, Craighead, Fulton, Greene, Independence, Izaard, Jackson, Lawrence, Mississippi, Monroe, Philips, Poinsett, Prairie, Randolph, St. Francis, Searcy, Van Buren, and White. These counties by their returns show that in the Presidential election in 1860 they cast 16,841 votes. Fourteen of these counties, viz: Arkansas, Conway, Crittenden, Fulton, Independence, Izaard, Jackson, Lawrence, Monroe, Philips, Prairie, Randolph, and Van Buren, which participated pretty fully in the election of March, cast the aggregate vote of 3,000. These counties in 1860 gave 14,005 votes—the six counties not voting, or voting to only a very limited extent, in the election of March, to wit: Craighead, Greene, Mississippi, Poinsett, Searcy, and St. Francis gave in 1860 2,836 votes; these, under the ratio of the vote cast in the eleven counties that did vote, should have given about 537 votes at the March election. Of the 3,000 votes cast in this district for member of Congress, T. M. Jacks received all but *fifteen*.

In the second district, composed of the counties of Ashley, Bradley, Calhoun, Chicot, Clark, Columbia, Dallas, Desha, Drew, Hempstead, Hot Springs, Jefferson, Lafayette, Ouachita, Pulaski, Saline, and Union, your committee have not been able to satisfy themselves as to the vote cast; the evidence going to show that in this district the vote was respectable as compared to the whole vote of the State—that some four or five counties did not vote in the election, and that the vote of the counties of Jefferson and Pulaski was relatively large.

In the third district, composed of the counties of Benton, Carroll, Crawford, Franklin, Johnson, Madison, Marion, Montgomery, Newton, Perry, Pike, Polk, Pope, Scott, Clark, Sebastian, Sevier, Washington, and Yell, the vote in March was a tolerably full one, all except the county of Perry participating in the election.

In this district the vote for representative in Congress was nearly five thousand, of which vote J. M. Johnson received over four thousand. These counties in 1860 gave an aggregate vote of 16,932.

The position taken by the committee in the case of Mr. Bouzano, of Louisiana, will apply with equal force to these cases from Arkansas. In the report in that case the committee say:

“This election depends for its validity upon the effect which the House is disposed to give to the efforts to reorganize a State government in Louisiana, which have here been briefly recited. The districting of the State for representatives, and the fixing of the time for holding the election, were the act of the convention. Indeed, the election of governor and other State officers, as well as the existence of the convention itself, as well as its acts, are all parts of the same movements.

“It is objected to their validity, that they neither originated in nor followed any pre-existing law of the State or nation. But the answer to this objection lies in the fact that, in the nature of the case, neither a law of the State nor nation to meet the case was a possibility. The State was attempting to rise out of the ruin caused by an armed *overthrow* of its laws. They had been trampled in the dust; and there existed no body in the State to make an enabling act. Congress cannot pass an enabling act for a State. It is neither one of the powers granted by the several States to the general government, nor necessary to the carrying out of any of those powers; and all ‘the powers not delegated to the United States by the Constitution, nor prohibited by it to the

States, are reserved to the States respectively, *or the people.*' It is preposterous to have expected at the hands of the rebel authorities in Louisiana that, previous to the overthrow of the State government, they should prepare a legal form of proceeding for its restoration. In the absence of any such legal form prepared beforehand in the State, and like absence of power on the part of the general government, under the delegated powers of the Constitution, it follows, that the power to restore a lost State government in Louisiana existed nowhere, or in 'the people,' the original source of all political power in this country. The people, in the exercise of that power, cannot be required to conform to any particular mode, for that presupposes a power to prescribe outside of themselves, which it has been seen does not exist. The *result* must be republican; for the people and the States have surrendered to the United States, to that extent, the power over their form of government in this, that 'the United States shall guarantee to every State a republican form of government.'

"It follows, therefore, that if this work of reorganizing and re-establishing a State government was the work of the people, it was the legitimate exercise of an inalienable and inherent right, and, if republican in form, is entitled not only to recognition, but to the 'guaranty' of the Constitution."

The committee recommend to the House for its adoption the subjoined resolutions:

Resolved, That T. M. Jacks is entitled to a seat in this House as a representative from the first congressional district in Arkansas.

Resolved, That J. M. Johnson is entitled to a seat in this House as a representative from the third congressional district in Arkansas.

WASHINGTON CITY, D. C., May 10, 1864.

Hon. H. S. DAWES, *Chairman Committee of Elections*:

SIR: Permit us to present to you, and through you to the committee of which you are chairman, the accompanying statement, detailing a condensed history of

SECESSION AND REORGANIZATION IN ARKANSAS.

A majority of the voters of Arkansas were opposed to secession at the election on the 18th of February, A. D. 1861, for members to a convention. There were in that election about 11,000 majority of Union votes cast, and about 9,000 voters did not go to the polls. It may safely be assumed that all who stayed away from the election were Union men. The secessionists mustered their full strength, while Union men, not realizing the threatened danger, were disposed to treat this election as rather a farce, than as the fearful reality it has since proved to have been. That election, allowing for several secesh conventions, between the day of the election and the meeting of the convention, returned *thirty-four secessionists and forty Union men.* The convention remained thus divided during its boisterous session of the month of March. It finally adjourned subject to the call of its president, having accomplished nothing save that it did agree to refer the entire question of Union or secession back to the people, to be voted upon the ensuing August. Soon after the adjournment of the convention Sumter was fired upon; Mr. Lincoln issued his proclamation calling for 75,000 men; the president of the adjourned convention, by proclamation, convened said convention early in May; on the 6th an ordinance of secession was passed, and immediately thereafter the convention despatched its commissioners to Montgomery, Alabama, to ally the State with those forming the new confederacy. This was done without at all consulting the people; and thus was inaugurated a reign of desolation, terror, and blood, the like of which the world

has seldom if ever seen. Men of little practical worth, and of less morals than worth, became the apostles of this new doctrine; they belabored the people at every town, hamlet, by-place, and country cross-road, or dram-shop. They descanted at large upon the glories, the magnificence, the uncomputed wealth, the surpassing grandeur, of a southern confederacy; the laborer of to-day under the old government was to be a nabob, a moneyed prince of the new confederacy; he that hesitated, that doubted, that could not realize all that was told him, and more, was a submissionist, a coward, a traitor, a foggy, a fool, a fit associate only for the ascetic, cold, plodding, heartless, soulless northerners, whose treachery and crimes were painted darker than Erebus. Such an one should not dare think of mingling in the society of the elite, dashing, chivalrous southerner, in whose veins flowed the best blood of all nations, and whose transcendent virtues were plucked direct from the throne of the Eternal. Indeed, the Devil never labored half so hard to beguile mother Eve as did secessionists to deceive Union men.

Volunteer soldiers were called for to fight the battles, if battle should be needed, of this "golden government." There, however, was to be no fight; the "vandal hordes" were to quail and flee before southern daring. But fluent declamation and beautiful imagery could not stultify a large portion of the practical, thinking, patriotic Union men of Arkansas; they would not volunteer into the new service. For their benefit, the confederate conscription of May, 1862, was most graciously tendered. By this they were *forced* into the army or compelled to flee their homes to the swamps or mountain fastnesses, there to be hunted down like wild beasts by devils and hounds. By the rigor of the confederate conscription the State was almost depopulated of men until the people were relieved by the federal armies.

There were several regiments and parts of regiments of Arkansas troops raised prior to General Steele's occupation of Little Rock, details of which can be furnished if needed.

In September, 1863, General Steele occupied Little Rock, and General Blunt Fort Smith. A large portion of the State, by those movements, was rescued from the confederate despotism; the swamps, the canebrakes, the mountain gorges gave up their long-hidden treasures, and, like the fabled hosts of Attila, men seemed to rise as by magic out of the ground, and flock to the standards of Steele and Blunt. There are now between seven and ten thousand true and tried Arkansians bearing arms in the federal service.

Very soon after the federal occupancy of the State, the reorganization movement commenced. Large and enthusiastic reorganization meetings were held all over the liberated portion of the State. In November, the third congressional district, composed of the counties of Marion, Carroll, Madison, Benton, Washington, Newton, Pope, Yell, Perry, Johnson, Franklin, Crawford, Sebastian, Scott, Polk, Montgomery, Clark, Pike, and Sevier elected, by a vote of over 4,000, Colonel J. M. Johnson as a member to the United States Congress. In December, a number of stanch, prominent Union men of the State visited Washington city to see and confer with the President and with Congress, to learn what the State could do or what she ought to do. Early in January, 1864, a convention, composed of delegates from about one-half the counties of the State, assembled in Little Rock. After nearly three weeks' deliberation, they agreed upon a plan of reorganization. They amended, in a few important particulars, the old State constitution, a copy of which, as amended, is herewith forwarded. They appointed a provisional governor, lieutenant governor, and secretary of state. They provided for an election, to be held on the 14th, 15th, and 16th of March, at which election the voters of the State were not only called upon to vote for all State, district, and county officers, but to vote upon the acts of said convention, approving or rejecting the same. While the convention were working at Little Rock, the Arkansas citizens in Washington had not been idle. They had represented to the President the great solicitude of

their people at home. The President, not knowing of the action of the convention, ordered Major General Steele, commanding, to have an election in the State, to take effect on the 28th of March. There was no previously arranged concert between the Arkansas citizens in Washington and the members of the convention; but so great and all-absorbing was the one grand question, that of State reorganization, that there was not the slightest conflict in the results of their proceedings, save a difference of two weeks' time in the day set for holding the election; and what is still the more remarkable, the day set apart by the President was that first fixed upon by the convention; but upon mature deliberation, it was thought that the people could be as well prepared for the election by the 14th as they could by the 28th, and that Arkansas had no time to lose in so important a measure. The President, after issuing his first order for an election, became advised of the action of the convention and immediately countermanded his first order, and instructed General Steele to "keep the convention on its own way" by holding the election on the 14th, 15th, and 16th of March, as provided by the convention. You will perceive that the election in Arkansas was held not only in accordance with the promptings of a general uprising of the Union sentiment of the State, but in obedience to a positive order of the President of the United States.

That election ratified the constitution and ordinances of the convention by a vote of more than 12,000, elected a governor, a lieutenant governor, a secretary of state, an auditor of public accounts, a State treasurer, an attorney general, three supreme judges, three members to Congress, one from each district, as per apportionment under act January 19, 1861, six circuit judges, seven prosecuting attorneys, twenty-three out of twenty-five State senators, and fifty-nine out of seventy-five representatives to the legislature, all of which will more fully appear from the governor's proclamation of April 11, a copy of which is herewith forwarded.

By a reference to dates you will perceive that reorganization in Arkansas commenced several weeks prior to the issuance of the President's amnesty proclamation of December 8, 1863, which was not generally received in Arkansas till some two or three weeks later. The people, though possibly not approving that proclamation in all its details, laid hold of it as an anchor of hope; it infused new life and vigor into the reorganization movement throughout the State.

The people held their elections buoyant with hope, never doubting for a moment the faith of the government, that if they complied with expressed requirements of that proclamation, their acts should be valid and they entitled to all the benefits therefrom arising. The State gave largely more than twice the number of votes required of her in that proclamation, and the votes given were not confined to one or two small and crowded localities. Arkansas has no large cities. She has fifty-five counties; by a reference to the governor's proclamation you will perceive that forty-three of these are represented in the lower house of the State legislature. Her Congressmen were elected each in his own district by a vote bearing a fair ratio to the vote in 1860, as compared with the whole State vote, now compared to the whole vote of 1860.

The first district is composed of the counties of Greene, Mississippi, Craighead, Randolph, Lawrence, Fulton, Izard, Searcy, Van Buren, Independence, Jackson, Poinsett, Crittenden, Saint Francis, White, Conway, Prairie, Arkansas, Monroe, and Philips. These twenty counties in 1860 had a white population of 112,310 persons; allowing one vote for every six persons, the ratio of the presidential vote of the State for that year would give this district a voting population at that time of 18,718. In the election of the 14th, 15th, and 16th March it gave a vote of something more than 3,000, fully one-sixth of the vote of 1860. In this district six counties, Greene, Craighead, Mississippi, Poinsett, Randolph, and Searcy, are not represented in the lower house of the State legis-

lature. The people of these counties were deterred from voting by bands of confederate soldiers in the rear of General Steele.

T. M. JACKS, MEMBER ELECT.

In the counties of the first district not represented in the State legislature there were in 1860 24,681 white persons, representing 4,113 voters which number subtracted from the whole number, 18,718, leaves no less than 14,605 voters of 1860 represented now in the legislature by the vote of the 14th, 15th, and 16th March.

A. A. C. ROGERS, MEMBER ELECT.

In the second district the counties not represented in the legislature had in 1860 a white population of 24,008, equal to 4,001 voters, which, taken from the whole number, 15,096, leaves 11,095 voters of 1860 now represented in the State legislature.

J. M. JOHNSON, MEMBER ELECT.

In the third district—the county of Perry, the only one not represented in the legislature—there were in 1860 2,162 white persons, making 360 voters; these taken from 20,298 leave 19,938, voters of 1860 now represented in the State legislature.

The second district is composed of the counties of Pulaski, Saline, Hot Springs, Jefferson, Dallas, Bradley, Drew, Desha, Chicot, Ashley, Calhoun, Union, Ouachita, Columbia, Hempstead, and Lafayette. This district, in 1860, had a white population of 90,562, giving, for the same time, 15,096 voters; this district returned its member by a vote of more than 2,000; in this district the counties of Ashley, Chicot, Columbia, Desha, and Union have no representatives in the legislature.

The third district, composed of the nineteen counties before mentioned that elected Colonel Johnson to Congress in November, 1863, had, in 1860, a white population of 121,788, giving, as per ratio adopted, 20,298 voters at that time. They now give a vote of more than 5,000. All the counties of this district are represented in the legislature except Perry.

Of the voters of 1860, we think we are safe in saying that more than one-half of them have been forced from the State or into the rebel armies. Of those remaining in the State and not in the confederate armies, we think fully one-half voted; and of those who have *proved* their loyalty by voluntarily subscribing the President's amnesty oath, more than four-fifths of them voted.

The legislature met in Little Rock on Monday, the 11th of April. The senate organized on Tuesday, with seventeen members present; the house not till Friday, there not being a quorum in attendance until that day. The two houses have been regularly in session ever since. The latest intelligence we have from them they had chosen one United States senator, and were balloting for the other. The governor, Isaac Murphy, was duly and formally inaugurated on Monday, the 18th April. All the other officers of the State have been qualified and properly inducted into office. County and township officers, such as sheriffs, clerks, county and probate judges, treasurers, coroners, school commissioners, internal improvement commissioners, justices of the peace, and constables, were elected at the late election for most of the counties. For those that could not hold their elections in March there is ample provision made, as you will see by a reference to the schedule appended to the constitution.

You will thus perceive that the machinery of our State is fully at work; that it is as yet a little *rough*. That it needs a little "grease," we, as well as any one

else, do know ; but that the earnest will and the indomitable energies of the people will make it "go," is not to be questioned by any one cognizant of the facts, for a moment.

In conclusion permit us to say, in behalf of our people, that Union men in Arkansas have suffered what the world may imagine, but can never know; they have passed through ordeals of sophistry and lies, fire and sword, pestilence and famine, terror and blood, and to-day they stand forth the purified monuments of constancy and patriotism, willing still to make further sacrifices for country and principle. We present them to you, believing them worthy your most earnest and serious consideration. We present them as true men, not as quasi secessionists; not as half-reclaimed rebels. They know that by the terrible convulsions of the last three years the pride of their State has been humbled, but they suffer no man to insinuate that their honor has been compromised or themselves thereby disgraced. They feel but too keenly the pierce of this barb, perhaps unintentionally but too often hurled at them by men whose good fortune it has been to live where loyalty was fashionable, where loyalty was popular. Permit us to say, for our people, that none but the southern Union man can ever know the highest cost of loyalty. From our more fortunate brothers we expect all the rights, franchises, and amenities due American citizens. We ask nothing more; we are willing to receive nothing less. We come not as paupers asking charity, but as equals claiming justice.

Hoping this condensed statement may be of service to your committee in arriving at conclusions which shall be alike just and generous to the suffering people whom we have the honor to represent.

We subscribe ourselves, most respectfully, yours,

T. M. JACKS.

J. M. JOHNSON.

A. A. C. ROGERS.

PROCLAMATION.

EXECUTIVE OFFICE,

Little Rock, April 11, 1864.

In accordance with the provisions of the schedule appended to the constitution adopted by the late convention of the State of Arkansas, I, Isaac Murphy, provisional governor of said State, do hereby make proclamation that, at an election held on the 14th, 15th, and 16th days of March, 1864, the constitution and ordinances of said late State convention were ratified within the meaning of the President's proclamation of December 8, 1863, and that the vote for and against the constitution and ordinances was as follows :

Constitution and ordinances, ratified, twelve thousand one hundred and seventy-seven votes.

Constitution and ordinances, rejected, two hundred and twenty-six votes.

And I further certify that the following named persons were elected to the various offices hereinafter named, to wit :

Robert J. T. White, secretary of state ; James R. Berry, auditor of public accounts ; E. D. Ayres, treasurer of state ; Charles T. Jordan, attorney general ; C. A. Harper, T. D. W. Yonley, and Elisha Baxter, supreme judges.

Elected to Congress.—1st district, T. M. Jacks ; 2d district, A. A. C. Rogers ; 3d district, J. M. Johnson.

Judges of circuit courts elected.—1st judicial circuit, J. M. Hanks ; 2d judicial circuit, R. A. Whitmore ; 3d judicial circuit, ———— ; 4th judicial circuit, Thomas W. Pounds ; 5th judicial circuit, W. M. Matheney ; 6th judicial circuit, ———— ; 7th judicial circuit, ———— ; 8th judicial circuit, Elias Harrell ; 9th judicial circuit, A. N. Hargrove.

Prosecuting attorneys elected.—1st judicial circuit, J. T. Moore; 2d judicial circuit, R. V. McCracken; 3d judicial circuit, —————; 4th judicial circuit, Joseph Cravens; 5th judicial circuit, S. W. Williams; 6th judicial circuit, —————; 7th judicial circuit, W. B. Pagett; 8th judicial circuit, Thomas H. Patton; 9th judicial district, J. R. Steele.

MEMBERS ELECTED TO THE LEGISLATURE.

Senators.—1st senatorial district, E. D. Ham; 2d senatorial district, John McCoy; 3d senatorial district, Jesse M. Gilstrap; 4th senatorial district, Luther C. White; 5th senatorial district, Charles Milor; 6th senatorial district, William Stout; 7th senatorial district, F. M. Stratton; 8th senatorial district, Thomas Jefferson; 9th senatorial district, King Bradford; 10th senatorial district, E. D. Rushing; 11th senatorial district, J. J. Ware; 12th senatorial district, J. M. Lemmons; 13th senatorial district, A. B. Fryrear; 14th senatorial district, T. Lamberton; 15th senatorial district, J. Q. Taylor; 16th senatorial district, Trueman Warner; 17th senatorial district, no returns; 18th senatorial district, I. C. Mills; 19th senatorial district, W. C. Valandigham; 20th senatorial district, R. H. Stanfield; 21st senatorial district, no returns; 22d senatorial district, W. H. Harper; 23d senatorial district, E. W. Gilpin; 24th senatorial district, L. D. Cantrell; 25th senatorial district, E. H. Vance.

Representatives.—Arkansas county, G. C. Cooper; Bradley county, W. W. Scarborough; Washington county, John Pearson, W. H. Nott, M. H. Patton, and ——— Waddle; Benton county, R. H. Wimpey, Jesse Shortess; Madison county, T. H. Scott, G. W. Seamans; Carroll county, J. W. Plumley, J. F. Seamans; Newton county, James R. Vanderpool; Crawford county, John Austin, J. G. Stephenson; Franklin county, F. M. Nixon; Johnson county, John Rogers, A. P. Melson; Pope county, Robert White; Marion county, J. W. Orr; Conway county, G. N. Galloway; Yell county, B. Johnson; Van Buren county, L. M. Harris; Izard county, J. B. Brown; Independence county, J. Clabb, A. Harper; White county, J. J. Randall; Jackson county, A. J. McLaren; Lawrence county, Reed Shell, Ephraim Sharp; Fulton county, Simpson Mason; St. Francis county, R. H. Moore, C. S. Stile; Crittenden county, F. Thursby; Philips county, J. A. Butler, J. F. Hanks; Monroe county, E. Wild; Jefferson county, H. B. Allis, D. C. Hardeman; Pulaski county, O. P. Snyder, L. S. Holeman; Prairie county, J. B. Claibourne; Drew county, Wm. Cox, F. H. Boyd; Dallas county, James Kennedy; Ouachita county, J. W. Neill; Calhoun county, E. A. Ackerman; Clark county, J. H. Green; Montgomery county, J. C. Priddy; Pike county, M. Stinnette; Hempstead county, Jas. Bowen, L. Worthington; Sevier county, Jno. Gillcoat, N. Musgrove; Lafayette county, J. C. Hale; Saline county, Warren Holleman; Hot Spring county, Thomas Whitten; Sebastian county, J. R. Smoot, Jacob Snyder; Scott county, Thomas Cauthorn; Polk county, John Wear.

All of which appears of record, according to the poll-books returned and now on file in this office.

In testimony whereof, I, Isaac Murphy, provisional governor of the State of Arkansas, have set my hand, (there being no seal of office.)

Done at Little Rock, this day and date above written.

ISAAC MURPHY,
Prov. Governor of Arkansas.

OFFICE SECRETARY OF STATE,
Little Rock, Ark., April 23, 1864.

The above is a true copy of the proclamation on file in this office.

ROBERT J. T. WHITE,
Secretary of State.

JOHN A. HADDOCK.

[To accompany bill H. R. No. 769.]

FEBRUARY 20, 1865.—Ordered to be printed.

Mr. WILLIAM G. BROWN, from the Committee of Claims, made the following

REPORT.

The Committee of Claims, to whom was referred the petition of Lieutenant John A. Haddock, have considered the same, and report :

That the petitioner, during the summer and fall of 1861, was stationed at Watertown, New York, on recruiting service, and there enlisted over 300 men in about three months' time.

That he used the newspapers of Jefferson county freely as a means of advertising his business, which in some measure accounts for his success in recruiting. And that he paid bills for advertising amounting to the sum of fifty-nine dollars and forty cents.

That he also paid twenty dollars for counsel fees in cases of two writs of habeas corpus served upon him by two enlisted men who sought to be released from their enlistments, in both of which cases Judge Mullen, of the New York supreme court, decided against the enlisted men. These accounts, with the vouchers, were presented to the Adjutant General's office, but could not be allowed under the army regulations.

The committee are satisfied that Lieutenant Haddock was a faithful and efficient recruiting officer, and that he expended the money in good faith; and they therefore report a bill for his relief, and recommend that it do pass.

JOHN A. HADDOCK.

[To accompany bill H. R. No. 300.]

February 20, 1865.—Ordered to be printed.

Mr. William G. Brown, from the Committee of Claims, made the following

REPORT.

The Committee of Claims, to whom was referred the petition of Lieutenant John A. Haddock, have considered the same, and report:

That the petitioner, during the summer and fall of 1861, was stationed at Watertown, New York, on recruiting service, and there enlisted over 300 men in about three months' time.

That he used the newspapers of Jefferson county freely as a means of advertising his business, which in some measure accounts for his success in recruiting. And that he paid bills for advertising amounting to the sum of fifty-nine dollars and forty cents.

That he also paid twenty dollars for counsel fees in cases of two writs of habeas corpus served upon him by two enlisted men who sought to be released from their enlistments, in both of which cases Judge Miller, of the New York supreme court, decided against the enlisted men. These accounts, with the vouchers, were presented to the Adjutant General's office, but could not be allowed under the army regulations.

The committee are satisfied that Lieutenant Haddock was a faithful and efficient recruiting officer, and that he expended the money in good faith; and they therefore report a bill for his relief, and recommend that it do pass.

HEIRS OF PHILIP JOHNSON,

FEBRUARY 22, 1865.—Laid on the table and ordered to be printed.

Mr. PRICE, from the Committee on Revolutionary Claims, made the following

REPORT.

The Committee on Revolutionary Claims, to whom was referred the petition of the heirs of Philip Johnson, for back pay for services in the war of the Revolution, have had the same under consideration, and find from the papers before them—

That said heirs have been paid the sum of one thousand six hundred and twelve dollars and sixty-six and two-thirds cents, on account of said services, and that in the opinion of your committee there is not sufficient evidence to justify any further payment.

Your committee therefore ask to be discharged from any further consideration of the subject.

H. PRICE, *Chairman.*

REPORT

OF THE

COMMISSIONERS OF THE LAND OFFICE

REPORT

OF THE

COMMISSIONERS OF THE LAND OFFICE

IN RESPONSE TO A RESOLUTION

MARY A. BERAULT, ADMINISTRATRIX.

FEBRUARY 22, 1865.—Laid on the table and ordered to be printed.

Mr. PRICE, from the Committee on Revolutionary Claims, made the following

REPORT.

The Committee on Revolutionary Claims, to whom were referred the petition and papers in the case of Mary A. Berault, administratrix of the late Lieutenant Joseph Wheaton, deceased, after a careful examination thereof, make the following report:

1. It is clearly shown that the said Joseph Wheaton served until the close of the revolutionary war, as an officer in the Rhode Island line. He was a faithful and meritorious soldier.

2. By a resolution of Congress, adopted on the 21st day of October, 1780, the United States promised to pay to each and all the officers in the army who should serve until the close of the war, half-pay for life; and that the same should be paid in specie or other current money at the end of each and every year for life. There is no doubt whatever but that Lieutenant Joseph Wheaton came under the provisions of this resolution of Congress, and was entitled to receive half-pay for life. On the 22d of March, 1783, Congress adopted a resolution agreeing to pay to all officers of the army, who might *so elect*, five years' full pay, in lieu of the half-pay for life.

3. That the said Joseph Wheaton died at Baltimore, in a hospital, in the year 1828.

The petitioner now demands of the government the half-pay, under the resolution of October 21, 1780, from the close of the revolutionary war until the death of the said Joseph Wheaton, in 1828, with interest upon each year. This claim will now amount to something rising \$30,000. Notwithstanding the amount, if it is justly due, it should be paid.

From the fact that this claim comes to us heavily prejudiced by the long lapse of years since its origin, and from the fact that the Committee on Revolutionary Claims of the 37th Congress passed favorably upon this claim, the committee have given more than usual care in examining the proofs and exhibits submitted in the case, and by force of the proofs are compelled to report adversely to the claim of the petitioner, and for the reasons following:

1. Because the said Joseph Wheaton did, on the 1st day of March, 1784, receive and accept from the government of the United States a certificate for \$1,600, in full of his revolutionary services, and in lieu of his claim for half-pay during life, in accordance with the act of March 22, 1783. This was a full settlement of the claim, and in accordance with the strict existing law in the case. Reference is made in the exhibits filed in this case to a decision of the Court of Claims in the case of Thomas H. Baird, administrator of Doctor Absalom Baird, deceased, that the act of Congress of the 21st of October, 1780, created a legal liability against the United States, in favor of the officers therein referred to, which no subsequent legislation of Congress could release without the assent of the other party. That is undoubtedly good law, but it does not meet this

case. Joseph Wheaton could not be, and there is not a single intimation that he was, *compelled* to receive and accept the said certificate for \$1,600 by the United States; but, on the contrary, as every presumption and intendment is taken in favor of the fair and just execution of a law by those intrusted with its execution until the contrary is shown, it must be taken as conclusive that said certificate for \$1,600 was issued to Joseph Wheaton because, in the language of the act of March 22, 1783, he "so elected."

2. As sustaining the conclusion that this certificate for \$1,600, issued to said Joseph Wheaton, and for the purposes above set forth, was funded by the government, is evident from the fact that during the forty-five years which elapsed from the time Joseph Wheaton received said certificate, until his death, the annals of the government do not show one attempt, either before the courts, the departments, or Congress, made by said Wheaton to collect said claim, or to allow him for depreciation in government money received thereon.

3. As a further corroborative evidence of the conclusion that said Joseph Wheaton settled said claim himself in his lifetime is, that to suppose anything else would not be in keeping with the proven characteristics of Joseph Wheaton. He had a claim against the government for military services by him rendered during the war of 1812. We find him with indefatigable labor and untiring energy prosecuting that claim before Congress and before the proper departments.

4. As further corroborative evidence of adjustment of this claim by the government with said Joseph Wheaton in his lifetime, is the prompt and faithful performance by the government of *every* obligation towards the said Joseph Wheaton arising out of his said services in the revolutionary war, to wit: On the 25th day of July, 1789, the government issued to him a land warrant for two hundred acres of land; under the law of March 18, 1818, he received a pension of \$240 per annum; and afterwards, under an amended law of Congress, his pension was increased to \$480 per annum, which he enjoyed until he died, in 1828.

5. By the 1st day of March proximo there will have elapsed 81 years since the said Joseph Wheaton accepted said certificate for \$1,600, in full of his revolutionary services, and it is fully 37 years since Joseph Wheaton died; and yet for the *first* time in that long period of 81 years that this claim is heard off is when it was filed with this committee on the 11th day of April, 1860, *thirty-two years* after the death of Joseph Wheaton! If no positive evidence existed of the payment of this claim, surely that great presumption of law which governs the debtor and creditor the world over, that after so long a lapse of time the claim is presumed to be paid, should inure to the protection of our now over-burdened and oppressed treasury, when \$30,000 are sought to be thus drawn from it.

MARY ROBERTSON AND OTHERS.

FEBRUARY 24, 1865.—Ordered to be printed.

Mr. HARRINGTON, from the Committee on Private Land Claims, made the following

REPORT.

[To accompany bill H. R. 789.]

The Committee on Private Land Claims, to whom was referred the petition of Mary Robertson, Amelia Robertson, and Elizabeth Tunstal, heirs of Gabriel Christie, deceased, asking for compensation for land ceded to the United States by Great Britain under the Ashburton treaty, etc., make the following report:

That the legal title to the Seigniory Chazy, mentioned in the petition, has been fully proven in the petitioners, by record evidence, as will more fully appear by the abstract of title attached hereto, marked "A."

That said Seigniory, of Chazy, comprised about 34,600 acres of land, and included within its limits *Rouse's Point*, and was bounded on the north by the 45th parallel of north latitude, as run by Collins and Voluntine in the year 1767. In the year 1783, by the treaty of peace, this 45th parallel was made the boundary between Canada and the United States, and in the year 1784 the State of New York assumed to confiscate all of the land contained in the Seigniory of Chazy, under acts of that State passed October 22, 1779, and May 12, 1784, and appointed commissioners, who proceeded to sell and convey such lands, (General Christie having been a major general in the British army.) General Christie applied to General Washington, by letter, in 1795 for relief, but was informed that was not the manner to reach the case. The committee do not deem it necessary to discuss the question of the validity of the confiscations by the State of New York after the treaty of peace in 1783, though the treaty expressly protected the loyal subjects of Great Britain, &c., (see treaty,) for reasons hereinafter stated, viz: In 1817 commissioners appointed under the treaty of Ghent to ratify the 45th parallel, as run by Collins and Voluntine, as before stated, found the line was too far north at the *river Richlieu*, and by correction of the line a gore containing 2,500 acres of land, comprising *Rouse's Point*, and being a part of the Seigniory of Chazy, was in *fact, in Canada*, according to the provisions of the treaty; but down to the year 1817 neither Christie nor his heirs could have maintained an action in Canada to recover this gore of land, because it was supposed to be in New York until the correction of the line, and the difficulty of confiscation met them in New York.

The government of the United States, before the correction of the line, had commenced the erection of works upon *Rouse's Point*, which they immediately stopped, on the discovery of the erroneous line, until 1842. In 1842 the Ashburton treaty was made, by which Great Britain ceded to the United States the gore of land comprised in *Rouse's Point*, and containing about 2,500 acres, as before stated; and ever since such cession the United States have been, and are, in possession of six hundred acres of this land at *Rouse's Point*, and have erected military works thereon. The remaining part of the gore, viz. 1,900

acres, is in the possession of various persons who are and were occupying and improving the same under some claim of title at the time of the Ashburton treaty, but no evidence has been furnished the committee enabling them to ascertain how long, to what extent, nor under what claim of title this 1,900 acre tract is or has been occupied.

The Ashburton treaty protects grants made by either party before that time, and confirms titles in those occupying under equitable claims and having made improvements thereon to the extent at least of the improvements, provided such occupation had continued for the period of six years before the treaty. Now, if the evidence before the committee had established the fact that all or any portion of the 1,900 acres at the time of the treaty was occupied by persons who had not by adverse possession, or in some other manner, acquired a title good against the heirs of Christie, the committee would have felt bound, perhaps, to recommend payment for such parts as the terms of the treaty for the public benefit would have by an act of sovereignty divested a legal title, and the United States by the tenor of the treaty would be equitably bound to indemnify the claimant, but the petitioners have failed, as to the said 1,900 acres, to bring themselves within the supposed case, and your committee are of the opinion that no compensation should be allowed for the said part of the gore.

The committee are of the opinion, that as to the six hundred acres of land actually occupied by the United States for military purposes and convenience the petitioners are entitled to compensation according to its value, not including improvements, as no proofs of kind or extent of improvements at the time of the cession has been furnished.

The committee find, from evidence furnished before them, said six hundred acres are worth, under the above rule, twenty-five dollars per acre.

In conformity to the order of the House of Representatives, your committee herewith report a bill providing for the allowance to the petitioners of \$15,000, and recommend its passage.

By order of the committee.

H. W. HARRINGTON.
L. D. M. SWEAT.
CHARLES H. WINFIELD.
A. L. KNAPP.

ABSTRACT OF TITLE "A."

On 1st June, 1753, the King of France conveyed a tract of land in Canada, on the river Richlieu, and west side of Lake Champlain, including the seigniory called "Chazy," to one *Anthony Bedeau*.

On 2d May, 1754, said Bedeau conveyed the same to one Daniel Beaujeau, of Montreal.

On 14th August, 1765, the heirs of said Beaujeau conveyed the same to Gen. Gabriel Christie, the grandfather of the petitioners.

In 1798, said Gabriel Christie died, and by his will duly proved, devised said land to his eldest son, Gen. Christie Burton, during life, and upon his death, without issue, to another son, William P. Christie, of Christievillle, Canada.

In 1835 said Christie Burton died without issue, and the right to said land descended to said William P. Christie.

On the 4th of May, 1845, said W. P. Christie died, and by his will, duly proved, he devised all his right and title to said Seigniory of Chazy to Mary Robertson, daughter of said General Gabriel Christie, during life, with the remainder to the petitioners.

Mary Robertson is dead.

ENLISTING CRIMINALS FROM THE JAIL IN THE DISTRICT
OF COLUMBIA IN THE ARMY AND NAVY OF THE UNITED
STATES.

[To accompany bill H. R. 798.]

FEBRUARY 28, 1865.—Ordered to be printed.

Mr. THOMAS T. DAVIS, from the Committee for the District of Columbia, made
the following

R E P O R T.

The Committee for the District of Columbia, to which was referred two certain resolutions of the House of Representatives, the one directing an inquiry into the sale to substitute brokers of colored men confined in the jail of the District of Columbia charged with felony, and the other a resolution directing an inquiry into a system of substitute brokerage alleged to be in practice at said jail, in the city of Washington, by the officers and guards in charge thereof, report:

That, by virtue of the powers conferred, and in obedience to the duties enjoined, upon them, they proceeded to summon before them the officers and persons named or referred to in the last resolution, as well as many other persons, who were supposed to possess knowledge upon the subject of inquiry, and such officers and persons have been examined upon oath, and the testimony taken has been reduced to writing, and is submitted herewith.

From the testimony thus taken and submitted the undersigned are happy to state, as the determination of their judgment, that the number of persons implicated in corrupt practices, connected with the procurement of substitutes for the military and naval service, is not so great as many have supposed, and that but a few instances have been found in which criminals, charged with heinous offences, have been admitted to bail for the purpose of being used as substitutes.

It is nevertheless unquestionably true that corrupt practices have existed, that wrongs have been committed, that outrages upon public morality and public justice have been perpetrated, which call for the interference of Congress, and, so far as may be, for the punishment of the guilty by existing law.

To the end that the report which we have the honor to submit may present an intelligible outline of the subject under consideration, without compelling a reference to the somewhat voluminous testimony which has been taken, the undersigned state briefly the material facts which have been proved before them.

The district or United States jail in the city of Washington is under the immediate charge of Robert Beal, the warden thereof, who has under him as deputy or assistant warden next in charge Benedict Milburn, of the city of Washington, and eight guards to assist in the custody and care of the prisoners confined therein.

The warden has been in office since the 11th day of April, A. D. 1864, and Milburn has since that period been deputy warden, having, however, for nearly two years before been connected with the jail as an officer thereof, under the administration of Marshal Lamon.

This jail is the place of confinement for all persons arrested within the District for criminal offences, by the civil authorities of the District, and committed for trial therein. The number of committments annually is large, and it appears from the testimony of the warden in the case that, since the office has been held by him up to the 21st of February, 1865, 756 persons committed for trial or examination have been discharged. Of these discharges there have been

By the district court.....	77
By the district attorney.....	11
By the failure of the grand jury to find bills of indictment.....	45
By the marshal.....	335
By justices of the peace.....	308

From the whole number thus discharged not far from seventy have been let to bail for the purpose of being mustered into the military or naval service of the United States as substitutes for parties in or out of the District, drafted or liable to be drafted for such service.

So far as your committee have been able to learn from the judges and officers of the court, and the responsible officers of the prison, the great majority of these persons were committed for breaches of the peace or trivial offences, or for alleged offences, of the commission of which no proof to sustain an indictment or prosecution was ever offered to the grand jury of the District, or to the committing magistrate.

The committee have found no proof of the letting to bail of more than five or six persons, charged with any crime as high as the grade of grand larceny, with intent to use the parties thus charged as substitutes.

It is in proof before us that two persons, one convicted of grand larceny, and one of highway robbery, in taking \$2 50 from a colored woman of his acquaintance in the streets, have been pardoned, and immediately thereafter mustered into service as substitutes; but your committee are satisfied that in these cases the clemency of the executive was properly exercised, and that no reasonable objection to it can be urged.

With the exception, therefore, of the comparatively few cases where parties held for trial for grand larceny or other heinous offences have been let to bail to be taken as substitutes, your committee are satisfied that no special injury has been inflicted upon the public service by the employment of substitutes, either colored or white, from the jail of the District.

But there are considerations arising from the facts, which we shall now proceed to submit, showing that the whole system of letting to bail persons charged and held for trial upon any grade of crime should be arrested by legislation, as tending to the manifest wrong and oppression of the alleged criminal, as well as to venality and corruption on the part of officers having the charge of the jail.

During the pendency of the draft for troops in the District of Columbia in the last year, (1864,) it was to be supposed that parties desiring to obtain substitutes would make strenuous efforts to find them in any quarter which should promise success. The jail of the District, where the poor and the friendless were confined, often on charges of slight assault and battery, committed in moments of inebriation, or for other breaches of the public peace of no very aggravated character, and where others were held for trial of more serious offences, became a favorite resort for parties desiring substitutes for themselves, as well as for brokers and speculators whose business it was to procure them for others.

Success in this undertaking would depend very materially upon the disposition and influence of the officers and custodians of the jail; and with a corrupt officer, disposition and influence would depend upon the material consideration by which they should be cultivated.

Unfortunately for the reputation of the jail, unfortunately for the poor and friendless prisoners, unfortunately, in some instances at least, for the character

of the military service, and to the dishonor of public morals, one man, clothed with official power, and subject to official responsibility as deputy warden of the jail, was found base and infamous enough to prostitute his office to the sale of prisoners on a brokerage. He communicated with them himself on the subject of selling themselves as substitutes, and, in violation of the known rules of the jail, he permitted communication to be held with them by others. He did it for pay, sullied his office and his name by the price of blood, and in the judgment of your committee has added perjury to corruption.

Your committee have no desire to do injustice to any man, and they therefore ask to incorporate in the report itself which it is their duty to make the material portion of the evidence of Benedict Milburn, the deputy warden, to whom they have alluded. He was sworn before us, and permitted, at his own request, to make a statement explanatory of the testimony given by him in answer to direct interrogatories.

He swears that he has been the deputy warden of the jail since the 11th of April, 1864, under Robert Beal, warden, and was there before for twenty months under the marshal; that he knew of the removal of prisoners convicted of, or charged with, crime from the jail, for the purpose of being recruited into the military service of the United States since April 11, 1864; that he himself took out one man by the name of Jackson, under direction of the warden, and that some eighty men had been taken out on bail, in the aggregate, for the same purpose; that the charges against them were various, but principally for larceny; that Benjamin F. Beveridge had more to do with the applications to take out the prisoners than anybody else; that they had been taken out for various persons connected with the courts; that Judge Fisher and his friends had taken them out; that one person had been taken out to be sent to the army as a representative for Mr. Lincoln; that he aided the persons applying to take them out, by stating to them the nature of the crimes for which they were committed, or giving them copies of the commitments, showing the causes for which they were committed; that he received money in the case of Jackson—the sum received being \$325; that Beveridge had made him *presents* for information given to him, but that he did not know *for what* the presents were given, as nothing was stated by Beveridge as to the purpose of the presents; that he, the witness, *supposed* it was for information and service, and that the amount was as much as \$200; that he thought Beveridge was making money out of it; and therefore he, witness, might, with propriety, accept a remuneration; that he, the witness, would not swear that he had not received more than \$200, nor that he had not received \$500, though he thought he had not received as much as that, but could not tell, because he kept no account of it; that he never asked any remuneration from Beveridge, and told him he did not want any, as he was doing only his duty; that he also received from Robert M. Beal, a son of the warden, \$40 for procuring a substitute; that he sometimes went into the jail to inquire whether prisoners desired to go into the army, but not often; that he was requested to do so by the warden; that at one time he went in with Thompson, a lawyer, about sunset, to see a prisoner, for whom Thompson said he was counsel, and learned afterwards that he, Thompson, wanted to get a prisoner as a substitute; that there was a custom, but not a rule, prohibiting the visiting of prisoners at that hour, or after 4 o'clock p. m., when they were locked up; that of his own knowledge he could not say that any other officer of the jail had ever received money for services in procuring substitutes; that he himself had never received any money, except in the cases stated; that Jackson, the prisoner above referred to, was taken out in the first place at the request or instance of the warden; Judge Carter gave a note of introduction for a Mr. Murphy, addressed to Mr. Beal, the warden, speaking highly of Mr. Murphy, and asking Mr. Beal to aid him in obtaining a substitute from the jail; that he, the witness, saw the latter, and that Beal requested him

to find a man as substitute, and that Jackson offered to go as a substitute on application of the witness; that Jackson was taken out, examined, and rejected, by reason of a defective eye; and that witness then put him into the second sub-district of the District of Columbia as a representative substitute for a Mr. Hill, and received for it \$325.

The witness further stated that the particular cases, or the names of particular persons remembered by him as taken out of jail for the purpose before stated, were as follows:

William A. Jackson, a white man, taken out by witness on the 6th of October, 1864, charged with grand larceny in stealing \$400 or \$500 in money, and a gold watch worth \$70 or \$80; Levi Underwood, a black man, sentenced for grand larceny, and taken out about three months since; Solomon Young, a colored man, sentenced for grand larceny and pardoned; Thomas Milstead, a white man, charged with horse-stealing, and let out on bail about four months since; and John Stearne and Robert Garcie, both charged with the same offence of stealing from a jewelry store in Washington from \$500 to \$800 worth of property, and both held for trial; and one George Washington Morrell, a colored man, charged with horse-stealing and other offences, and held for trial; and that many others, in all amounting to about eighty, had been taken out. The witness further stated that the usual course of proceedings was as follows: Any one desiring a substitute would apply to a broker or friend, and then application would generally be made to witness for information as to persons confined and held for trial, or persons under conviction. In cases where parties were still held for trial, a copy of the commitment would be furnished and taken to the court or judge, bail given for the party in prison, the prisoner taken out for examination, and if accepted for the service he was not brought back; if rejected, he was generally recommitted, and the bail discharged. Some thirty of the parties bailed out were rejected and recommitted.

We have now given a candid abstract of the testimony of Mr. Milburn, and in connexion with it we think it due, in reference to the opinions above expressed, to state that Mr. Benjamin F. Beveridge, spoken of by the witness Milburn, has been examined on oath before the committee, and testified that he was engaged as a business in part in procuring substitutes; that he had frequent interviews with Milburn; that sometimes he applied to Milburn for information as to parties confined in the jail, and that sometimes Milburn would call upon him, and say that there were parties there who could be secured as substitutes; that he paid for such as he procured through Milburn *twenty dollars apiece; that that was the sum which Milburn demanded of him, and claimed the service to be worth*, and that he thus procured somewhere from 25 to 30 or more substitutes. It is therefore clear, if Beveridge is entitled to credit, which we do not doubt, that Milburn's allegation that he did not ask remuneration, is not only untrue, but that he did demand, and fixed the value of his service at the specific price of twenty dollars per man.

It also appears from the testimony of Beveridge, that he was in the habit of paying Duval, Fayna, and others of the jail guard, some small douceur of from one dollar to five dollars for taking the prisoners before a magistrate, or court to be bailed, or for other services and facilities rendered him in the premises.

Several guards of the jail have been called before us and sworn, and each one has admitted, with apparent frankness, that it has been usual to receive from the party obtaining a substitute from the jail a small douceur for taking the prisoner in charge to the court or magistrate, or to the place of examination, the highest sum paid therefor being five dollars. Mr. Robert Beal, the warden, has testified before us on oath that he has never, directly or indirectly, received one cent of gratuity or remuneration, in any case of a prisoner let to bail, or released for the purposes of substitute; nor has he ever known of the payment or receipt of

any money for such purpose, except in the case of Milburn, and that by his recent admission.

Judges Fisher and Carter have also been summoned before us and examined, and the undersigned are happy to say that there is no reliable testimony in the case to show that they have ever improperly desired the release of a single prisoner, or committed any act whatever unbecoming either the dignity or integrity of their position.

The undersigned reprobate the action of any guard of the jail in receiving any gratuity for the performance of a duty connected with his charge; but, in their judgment, no one of such guards has *corruptly* received a consideration for aiding in the procuring of substitutes, nor has in fact aided in the procurement itself.

From the investigations which they have made, the undersigned are satisfied that one man, and one alone, of the officers in any wise connected with the administration of justice, or with the charge of prisoners, has been guilty of such corruption and malfeasance in office as to call for severe and special censure, and that man is Benedict Milburn.

Aside from the corruption to which he was a party, by express or implied contract with Beveridge, his action in the case of Jackson was such as might well satisfy the highest ambition for infamy.

From the testimony of the chief of the police, contained in the evidence submitted with this report, it appears that Jackson was an old offender, and had previously been committed twice for criminal offences in 1864, while Milburn held the office of deputy warden. Milburn *must have known him*, as is stated by the chief of the police, and we assume that he *did* know him. Those commitments were for grand larceny, and the commitment for which he was held for trial at the time that Milburn sold him as a substitute to Mr. Hill was for the larceny of property to the amount of at least \$580. Still, after knowledge of his being rejected as a substitute on his original letting to bail upon the application of Murphy, Milburn, without authority of law, without the request of his superior, and without his knowledge, and for the consideration of \$325 in hand paid, sells him as a representative substitute to Mr. Hill, of Georgetown; and the notorious convict, ready to commit new depredations and new crimes, takes his place beside some honest soldier in the army of the republic. At the time that he was thus taken out for bail, it appears by the testimony of Duval and others of the jail guard, that Jackson, then in citizen's clothing, acknowledged and stated, in the *presence and hearing of Milburn*, that he was *then* already in the military service of the United States, and Milburn knew that he was either a deserter, and liable as such, or was incapable of being mustered in as a substitute because of his existing obligations to the service.

Still for money, arising from the sale, in violation of his duty as an officer, in disregard of the interest and character of the service, Benedict Milburn became the bail of the criminal, placed him in the army, pocketed the bribe, and then procured the entry of a *nolle prosequi* by the district attorney on the proceeding against Jackson, and thus discharged the obligation given for his appearance to answer for crime.

It is in proof before us, as might have been expected, that Jackson is again a deserter from the army, and his arrest is now being sought, for the purpose of bringing him to punishment; for burglary in entering an office, in Alexandria, connected with the military administration, and there breaking open and robbing a safe, and taking therefrom the sum of \$1,100 belonging to his brother soldiers, and deposited for safe keeping.

The undersigned have been informed that since this investigation has commenced before them, Mr. Milburn has been dismissed from his office, and they

are pleased to recognize the dismissal as a distinction to which he is most eminently entitled by his merits and his character.

There are but two or three additional facts bearing upon the matter presented, a statement of which seems material.

Benjamin F. Beveridge, who seems to have been the principal operator at the jail in the procurement of substitutes, was, by authority of the warden, furnished with more than ordinary facilities for learning the condition and disposition of prisoners. He seems to have been designated by the warden for this purpose, for the reason, as stated by the warden, that it was better to have one person visit the jail than to have a number of irresponsible and improper persons holding conference with prisoners.

Beveridge became bail, as it appears by a statement from the jail docket, in twenty-seven cases, and that in some cases prisoners were released on their own recognizances. The profits of the business, on the part of Beveridge, ranged from \$50 to \$150 on a prisoner.

It is, perhaps, just to mention, that the man Jackson, who was bailed by Milburn, offered himself to Beveridge as a substitute, and that Beveridge refused to accept him, or give bail for him, by reason of his infamous character and the serious nature of the charge against him.

The undersigned respectfully suggest that the evils of this system should be remedied by penal enactment, prohibiting the recruiting of persons into the military or naval service while under charge of crime in the District of Columbia, and either confined or held for trial; and further prohibiting, under severe penalties, any officer of the jail, or any guard thereof, from receiving, directly or indirectly, any fee, emolument, compensation, gratuity, or reward, other than his salary or legal pay, for any service rendered or information given to any person in virtue of his office or employment or in any matter connected therewith.

The undersigned respectfully recommend the passage of an act herewith submitted, for the purpose of effecting the objects desired.

THOMAS T. DAVIS,
J. W. PATTERSON,
Of the Committee.

WASHINGTON, *February* 26, 1865.

TESTIMONY

TAKEN BEFORE

Thomas T. Davis and J. W. Patterson, from the Committee for the District of Columbia, on resolution of inquiry in respect to jail, &c.

WEDNESDAY, February 22, 1865.

B. MILBURN called, sworn and examined :

Question. What connexion have you with the jail in the city of Washington ?

Answer. I am a deputy under Robert Beale as warden. I keep the books of the jail.

Question. How long have you been there ?

Answer. I have been there under Mr. Beale since the 11th of April, 1864. I was there for twenty months previous to that period under the marshal of the District.

Question. Do you know anything about the removal of prisoners convicted of or charged with crime from the jail for the purpose of being recruited into the military service of the United States since the 11th day of April, 1864 ?

Answer. I do. I took out myself, under the direction of the warden, one man by the name of Jackson. Some eighty men have been taken out altogether for that purpose.

Question. On what charges were these men committed ?

Answer. On various charges, principally for larceny, but for all kinds of crime except murder.

Question. What persons have been engaged in taking out prisoners for enlisted men ?

Answer. Benjamin F. Beveridge has had more to do with it than any other person.

Question. For whom have they been taken out ?

Answer. For several persons connected with the courts. Judge Fisher and his friends have taken out men, one was taken out and put into the army as a representative for Mrs. Lincoln, and other persons have taken them out.

Question. Did you aid any persons in taking out prisoners ?

Answer. I have aided them by stating the crimes for which prisoners were committed to jail; that is, I gave parties applying copies of the commitments, showing the crimes for which prisoners were committed.

Question. Have you ever received any money for aiding any person or persons in taking out prisoners as substitutes ?

Answer. I received money in the case of Jackson, and have received presents from Beveridge for information which I have given him. It was not, however, stated by him for what these presents were given.

Question. How much money did Beveridge give you for this service ?

Answer. I do not know that he gave it to me for this service. He did not say what it was for. I suppose it was for information I had given and services I had rendered to Beveridge in this matter. He gave me as much as \$200.

Question. Did you think that Beveridge was making money out of it, and, therefore, could afford to give you compensation ?

Answer. I did.

Question. Will you say that you have not received more than \$200 for this purpose ?

Answer. I will not; I kept no account; I may have received more than \$200.

Question. Will you swear that you have not received \$500 ?

Answer. I will not swear that I have not received \$500, as I kept no account; I cannot tell, but I believe I did not receive as much as that.

Question. Did you receive money from others for this purpose?

Answer. I received from Robert M. Beale, \$40. Beale is connected with Beveridge in this business. I received, also, in the case of Jackson, from George Hill, of Georgetown, \$325.

Question. Did you visit the prisoners in jail to ascertain whether you could get substitutes for different persons?

Answer. I sometimes went into the jail to inquire whether parties desired to go into the army, but not often; I was requested to do so by Mr. Beale, the warden; I went in, in one instance about sunset, with Mr. Thompson, a lawyer, who said he was counsel for a prisoner he desired to see. A friend accompanied Thompson. I afterwards learned that he wanted the man as a substitute.

Question. Is there any rule which forbids officers of the prison from visiting prisoners at night, or after a particular hour?

Answer. There is no rule; there is a custom not to see prisoners after 4 o'clock, unless by order of the court, or of a magistrate.

Question. Did you ever take any person in to see a prisoner except in the case of Thompson, unless by order of the court, or of a magistrate?

Answer. I never did. I went into the jail with a committee of the 4th ward, by order of Judge Cartter, and have at other times been through the jail for the same purpose, but always on an order from one of the judges.

Question. Do you know of other officers of the jail receiving money for services of this description?

Answer. I do not of my own knowledge.

Question. Did you ever receive any except from the persons you have named?

Answer. I did not.

Question. What was the mode of proceeding in these cases?

Answer. Any one desiring a substitute would apply to a broker or friend, and that party would make application to me for information as to persons confined and held for trial, or persons under conviction, and get a copy of the commitment, and, in cases where the parties charged were still held for trial, a copy of the commitment was taken to the court or judge, bail was given for the party in prison, the prisoner taken out for examination, and if accepted he was not brought back, if he was rejected he was generally recommitted, and the bail discharged. Some thirty of the men who were taken out on bail, I think, were returned and recommitted, not having passed examination.

Question. Had Hill obtained substitutes there before the case of Jackson?

Answer. Yes, he had taken out two before. I desire to make this explanation, with the permission of the committee: Mr. Beale, the warden, appointed Beveridge to act as substitute-broker. Judge Cartter wrote a letter of introduction to Mr. Beale for Major Murphy.

Question. Did you see the letter?

Answer. I did; the letter spoke of the object which Major Murphy had in view, which was to get a substitute, and requested Mr. Beale to aid him in obtaining one.

Question. What persons do you remember who have been taken from the jail to be enlisted into the military service since April 11th, 1864?

Answer. Those I now remember are William A. Jackson, white man, taken out by myself on the 6th of October last, charged with grand larceny in stealing four or five hundred dollars in money, and a watch worth seventy or eighty dollars; Levi Underwood, black man, sentenced for grand larceny, taken out about three months since; Solomon Young, colored man, taken out about a month since, charged with grand larceny, tried, convicted, and released on pardon; Thomas Milred, white man, charged with horse-stealing, and held for trial, taken out about four months since; John Stearne and Robert Garcia, both charged with the same offence of stealing from a jewelry store in the city five

or eight hundred dollars or more worth of property, held for trial; a great many others have been taken out, I should think about eighty since I went there; one George Washington Morrill, a colored man, was taken out a few days since, charged with horse-stealing and other offences, held for trial; Benjamin F. Beveridge was the party who was principally engaged in taking out prisoners. When I was applied to, I looked over the list of prisoners to see the charges against them, and furnished copies of commitment to Beveridge. I gave him the names of persons who desired to go into the army. I received money from Beveridge, but I uniformly told him I did not ask anything, I was only doing my duty.

I desire with the consent of the committee to state in the case of Jackson, that Mr. Beale received a letter of introduction for Major Murphy from Judge Cartter, speaking highly of him, and asking Mr. Beale to get him a substitute from the jail. Mr. Beale asked me to find a man for him, and I found Jackson. He was taken out and was examined and rejected as a substitute for defective eye. I then put him in as a representative substitute for the quota of the District of Columbia. Judge Fisher sent several letters asking to aid persons in securing substitutes. The letters were sometimes sent to Mr. Beale, and sometimes to myself.

Robert BEALE called, sworn and examined.

Question. What connexion have you with the jail of the District of Columbia?

Answer. I am its warden.

Question. How long have you served in that capacity?

Answer. Since the 11th of April last.

Question. Have you known anything in regard to enlistment of recruits from among convicts in the jail, persons under sentence, or persons charged with felony, since you have been warden?

Answer. I do not know it personally, or of my own knowledge. I sit in my office, and I am not personally aware of the fact when they send prisoners either to the judge or to the committing magistrate to be bailed. I know that the citizens of this place, when they were attempting to fill their quota, came in considerable numbers to the jail to get substitutes. Well, I had no objection to that. They would ask a man when he came up to the grating, "Will you go in the army?" I have been told this took place; I never witnessed it myself. The man would say, "Yes," and then the parties seeking him would go and ask the judge to let that man out on bail, and he would be sent over to the court, with the statement of the cause of his commitment, his offence, and the amount of money stolen, if he was held for larceny.

Question. Who furnished the copy of the commitment?

Answer. Well, I consulted with Judge Cartter and Judge Fisher on the subject, and I suggested that it would be well enough to have the cause of commitment furnished to the court, and I instructed Mr. Milburn, for the information of the judges, to send a copy of the commitment. This was not done in cases where prisoners were committed by magistrates, because one magistrate cannot take out a prisoner that another has sent in.

On one occasion, Judge Cartter addressed a note to me for some friend of his.

Question. Mr. Murphy?

Answer. I believe that was his name; I never saw the gentleman, that I know of. Mr. Milburn told me two or three days ago that he let a man out for Judge Cartter, and got, I think, some \$300 for him; and if the man did not go in the army right away, he would have been returned to the prison. It was the understanding with the judge that if the man did not go into the army he should be returned, to be tried, sentenced and punished according to law.

Question. Did Milburn tell you whether that man went into the army?

Answer. I think he said that they did not take him into the army, but into a district court here.

Question. Do you mean to say that it was the understanding with the judges that men might be taken out of prison on bail bonds, provided they would go into the army?

Answer. Well, that was the understanding, at least with Judge Fisher, in the case of a man who was convicted of stealing \$2 50, and sentenced for three years. I asked for a committee to consult with Judge Carter about this matter.

Question. Is not Mr. Beveridge a substitute broker?

Answer. He keeps the Washington House, at the corner of Third street.

Question. Was not he engaged in this business of getting men out of the jail as substitutes, and was he not appointed by you?

Answer. I wish to tell you all about that. There was no appointment at all. There was a great crowd around there after substitutes, and I told Mr. Beveridge, thinking there was no more harm to let him in than anybody else, "there are men here; I do not want any of my men to do anything except to watch you; go on and find out who is in there, who is willing to be enlisted." And I have no doubt in the world that he got paid twenty, fifty, or a hundred dollars for each man.

Question. Did he apply to you before he proceeded in that matter?

Answer. No, sir; he was around there along with the rest of them. I thought he was a worthy man. Mr. Milburn himself would have done it, but I would not allow it because he was an officer of the jail. I never approved of what he did in sending men out; but I never found it out until the other day.

Question. How many did he take out of the jail and put into the army?

Answer. I cannot say how many have been sent into the army.

Question. How many do you suppose have been put into the army by substitute brokers or their friends?

Answer. Well, I cannot tell you; I never saw the face of one of them. I do not go around in the prison except to see that everything is clean. I have a memorandum here, however, which I will read to the committee:

OFFICE UNITED STATES JAIL,
Washington, February 21, 1865.

The males discharged from this prison from the 11th day of April last (as shown by the jail docket) to this date are as follows:

By the honorable court.....	77
district attorney	11
grand jury.....	45
marshal	335
justices of the peace	308
	756

We have no means of knowing what number of the above discharged prisoners entered the army; when a prisoner is discharged on bail or otherwise, we have no means of knowing where he goes to.

ROBERT BEALE, *Warden.*

The following is a list of the magistrates on whose order prisoners have been discharged :

Names of Justices of the Peace.

S. Drury.
E. G. Handy.
Wm. Thompson.
James Cull.
M. V. Buckey.
N. H. Miller.
B. W. Furgerson.
J. S. Holingshead.
A. Gladmon.

G. L. Giberson.
J. H. Johnson.
Z. A. Boswell.
T. G. Clayton.
E. H. Bates.
B. S. Kinsey.
J. W. Barnaclo.
H. Reaver.

Very few persons come to the jail on this business. As soon as a man is arrested these sharks follow him to the magistrate's office, and look at him. If he seems to be a strong able-bodied man, they find out the charge on which he has been arrested; tell him he will probably be sent to the penitentiary, and ask him if he would not like to go into the army. If he says he would, they go to the magistrate's office, give bail and take him off. If they are sent to the jail there is not a man of them released until a statement of the cause of his commitment is sent to the judge.

Question. Have these parties paid you any money for this?

Answer. No. That man does not live who could pay me money for such service.

Question. Have they paid any money to anybody in the jail for this purpose?

Answer. I do not know. If you ask me what I think, that is another matter.

Question. Have you ever paid money, directly or indirectly, to Mr. Milburn for taking men out of the jail?

Answer. Not to any human being on this earth.

Question. Has your son done that to your knowledge?

Answer. I never heard of such a thing until Milburn said just now that my son had given him \$40.

Question. You say that applications were made for persons to be taken out on bail as substitutes for the army; do you know of any instances where persons so taken out to be examined have been rejected and returned to the jail, because of their rejection?

Answer. I am sure there have been several.

Question. Do you know whether in other cases, where these persons have been received into the army, when the cases have been called in court of the bail being discharged by the entry of a *nolle prosequi*?

Answer. I have heard the order given by the district attorney in some of these cases to enter a *nolle prosequi*.

Question. For what reason?

Answer. I did not hear the reason, but I suppose because the men were in the army. I am sure some of them were persons who had been taken from the jail for that purpose.

Question. For what crimes had these persons been committed to the jail?

Answer. Principally for larceny, assault and battery, &c. I do not know of any persons charged with high crimes being taken off for that purpose, except in two instances, pardoned by the President. I do not know what they were pardoned for, but they went into the army.

Question. What rules have you in regard to officers of the jail visiting prisoners in jail?

Answer. Grand jurors have the right to come in and see prisoners. The relatives of white prisoners have the privilege of seeing them in the morning, and

colored people have the same privilege in the afternoon. Another rule is that no officer shall have anything to do with taking any prisoner out, or shall be connected with it as bail or in anyway except to take them out on the order of a judge or magistrate.

Question. Is there any portion of the day or night during which officers are prohibited by your rules from going in to see prisoners?

Answer. They are not permitted to do so after four o'clock except by the order of a judge or magistrate, or in some peculiar case, such as sickness or something of that kind. The night watch have to go their rounds every half hour.

Question. Have you any knowledge of any officer in the jail visiting prisoners in violation of your rules for purposes connected with enlistment?

Answer. Not of my own knowledge. Some of the guards of the jail told me the other day that a colored man came to Milburn and wanted to see a prisoner very much. Milburn at first refused, but afterwards went into the next room, and subsequently about 9 o'clock at night came out and went up stairs with him. When they came down stairs the man took a \$100 note and slipped it into Milburn's hands; Bell, one of the guards, saw the money delivered. Milburn went up to Bell, after the man had gone out and requested him not to mention it to anybody. That is all I know about it. The next day I was informed the man had been taken out and put into the army.

Question. Do you know of any other officer of the jail than Milburn who has received any compensation or money for aid in securing the enlistment of prisoners confined on charge or conviction of crime?

Answer. I have no knowledge of any such.

Question. Will you state who of the magistrates are most engaged in the business of letting out prisoners for this purpose?

Answer. Justices Giberson and Johnson.

Question. Do you know that Beveridge has paid money to Milburn?

Answer. Only by Milburn's own confession.

Question. In the case of the 300 persons who you say have been dismissed by magistrates, do you know whether they went into the army?

Answer. I do not know anything about it.

Question. Do you know any other matter connected with the subject of this investigation which it would be proper for you to state to promote the ends of justice?

Answer. I do not know that I do.

BENJAMIN F. BEVERIDGE called, sworn, and examined:

Question. What is your business?

Answer. I keep a store on the avenue.

Question. How long have you lived in the city?

Answer. From fourteen to sixteen years.

Question. Have you attended to any other business than that of merchandise during the last year?

Answer. I have been doing a little of all kinds of business.

Question. Have you done anything in the substitute business?

Answer. Yes, sir, but not as a broker.

Question. In what capacity?

Answer. I have merely helped my friends in different ways to obtain substitutes.

Question. Have you ever received compensation therefor?

Answer. Yes, sir.

Question. Where have you principally obtained substitutes?

Answer. I have got some from the jail.

Question. How many have you obtained from that source?

Answer. I do not know; perhaps 25 or 30; in that neighborhood.

Question. What was the method of getting them out of jail?

Answer. The way we got them was generally this : I would get the name of a person committed to jail. I went to the jail and found out parties there who were committed for trifling offences. Mr. Milburn, the jailer, would generally give me a certificate of what the offence was ; he would also tell me when persons came to the jail.

Question. Was it on your request that he came to you ?

Answer. Sometimes I would ask him, and sometimes he me ; and finding a man committed for some trifling offence, I would give security and get him out.

Question. Did you become the security yourself ?

Answer. Sometimes I did, and sometimes the men I was getting substitutes for would go security.

Question. Was Mr. Milburn himself sometimes the security ?

Answer. I think in one or two instances he was.

Question. Did the magistrates become security in any state ?

Answer. No, sir, not to my knowledge.

Question. Had you any arrangement with Milburn in regard to this ?

Answer. The only arrangement I had was that when I went to him for information he would tell me that I ought to pay him for his services, and I would generally allow him \$20.

Question. Did you ever allow him more than that ?

Answer. No, sir ; I think I paid him about that for each case.

Question. And you think you have taken out 25 or 30 prisoners ?

Answer. I do not know ; I think about that many.

Question. Did you say that Milburn asked you for compensation ?

Answer. He said I ought to pay him for his trouble.

Question. Did he name the price ?

Answer. He said he thought I ought to pay him about \$20.

Question. Did he first suggest to you this mode of obtaining substitutes ?

Answer. No, I cannot say that he did. I think it was one of the guards of the jail who first suggested it. He said he thought I could obtain men from there. I said I would see Mr. Milburn and find out.

Question. Did he state that Milburn would assist you ?

Answer. He did not say positively that he would.

Question. What is the name of that person ?

Answer. I do not know which of the guards it was.

Question. Did you give that person any compensation ?

Answer. No, sir, I do not know that I ever did. I have given the guard small sums sometimes. When they were off duty they have helped me to go with a man, and I have given them something.

Question. About what amount would you generally give ?

Answer. Generally about \$5. I have often assisted friends. The Secretary of the Interior once sent for a man to be gotten out for some of his relations—a nephew or somebody.

Question. Have you that letter ?

Answer. No, sir, I think it is in the jail.

Question. Did he send it to you ?

Answer. No, sir, he sent it, I believe, to Mr. Beale, the warden.

Question. How did you get notice in regard to it ?

Answer. I believe Mr. Beale told me to see if there was any one in there available, and, if so, to let this gentleman have him. I believe he got one, and put him in.

Question. Did you go into the prison and consult with prisoners on this subject ?

Answer. Sometimes I would.

Question. On an order from Mr. Beale ?

Answer. It was in this way: There would be so many persons there looking for substitutes—sometimes ten or twenty in a day—that Mr. Beale spoke to Judge Fisher, suggesting that he should get some one to attend to the matter, and help citizens to get substitutes. Judge Fisher assented, and Mr. Beale told me that if I would attend to it I could do it.

Question. You were really then appointed by him as an agent for this work?

Answer. I could not say what you might call it. Mr. Milburn was the one who would generally do everything.

Question. Were your negotiations there always with Mr. Milburn?

Answer. Yes, sir.

Question. Did Mr. Milburn take you in to see prisoners?

Answer. No, sir; he sent me up sometimes with the guards, or told the guards to let me go.

Question. Was it necessary for you to have the order of Mr. Beale or of one of the judges of the court?

Answer. No; a great many would bring orders.

Question. Have you any idea how much money you have paid in the aggregate to Mr. Milburn for the services he has rendered?

Answer. I do not know; I could not tell.

Question. How much bounty did you get from these men?

Answer. Sometimes I would get \$100, and sometimes \$50, more than I paid them; and sometimes put them in without any advance.

Question. What is the highest you ever received for these prisoners?

Answer. About \$200, after paying the man.

Question. What did you pay the man?

Answer. Sometimes \$200, and sometimes \$300.

Question. Then you have received as high as \$600 as the whole amount?

Answer. Yes, sir.

Question. And you could afford to pay the bail if it was forfeited?

Answer. If I brought a certificate that the man was in the army he would not be tried by a criminal court. The first case I ever knew, I think, was of a man sentenced to the penitentiary, who was put in as a representative for Mrs. Lincoln. An order was brought from the President to deliver him up; and there was another case of the same sort for Mr. Lincoln himself.

I remember that there were so many running to the jail that Mr. Beale went to see the provost marshal, Mr. Ingraham, and told him that there were a good many parties in the jail that he might as well take out and make soldiers of. I think a lieutenant came down and got six or seven, but some of them would not pass and were brought back. He said he would come again, but I do not know as he ever came there more than once or twice on that business. I think he brought an order from the court, or from some of the judges, stating that if there were any men there who wanted to go into the army he could put them in. He took that order to Mr. Beale, sent some guards and picked out six, took them up, but they would not pass and he brought them back again.

Question. In the cases mentioned by you of the President and Mrs. Lincoln, did they order particular men?

Answer. I think the last time the order was for a particular man.

Question. Do you know what the crime was?

Answer. He was charged with stealing nine or ten dollars, and was sentenced to the penitentiary for one year. The man had been taken up once for examination and they did not want to accept him because he had been convicted, but I believe this order was shown to the provost marshal and he accepted him.

Question. Was the order a pardon?

Answer. No, sir; I do not think there was any pardon granted.

Question. Do you know whether any of these men were deserters or not before being put in jail?

Answer. No; I never heard of but one, and he, it was said, had been in the service. I know nothing about it. That was the one Milburn took out.

Question. Do you know of other persons having obtained substitutes there, who have paid money to officers of the jail?

Answer. No.

G. L. GIBERSON, called, sworn and examined.

Question. What is your profession?

Answer. I am police and metropolitan justice, 4th ward, city of Washington, at the City Hall, in the neighborhood of the jail.

Question. Have you acted in that capacity during the last year?

Answer. Yes, sir.

Question. Do you know anything of the manner in which this brokerage has been conducted, for procuring substitutes in the jail?

Answer. Nothing in the world, except that sometimes I have admitted persons to bail who have been taken out of the jail—generally small offences. Bail has been given and filed in the office in all such cases.

Question. For what crime were such persons in custody?

Answer. I do not know of any particular cases that I can recall.

Question. Did you admit to bail any persons who were charged with grand larceny?

Answer. I do not now recollect, it is probable I did.

Question. Did you commit John Stearne and Robert Garcia, for grand larceny in robbing a jewelry store?

Answer. I do not now recollect.

Question. On whose application, or in what way, did you discharge these persons?

Answer. Upon the parties giving bail, I would release them as a matter of course.

Question. Was this business, so far as you know, conducted principally by one or two individuals, or were there various persons connected with it?

Answer. Sometimes one and sometimes another.

Question. Was application ever made to you by Mr. Milburn?

Answer. Never that I recollect.

Question. Did he ever become bail for any party held by you or committed by you?

Answer. Never to my recollection.

Question. Did you ever receive from any person offering bail any consideration for admitting such person to bail?

Answer. No, sir; I would scorn such a thing.

Question. Do you know of any person having received money for such service?

Answer. I do not.

Question. Have you any idea of the number of persons committed by you charged with crime, who were bailed for the purpose of being enlisted in the army as substitutes?

Answer. I cannot say. There were very few considering the number of persons I committed. I suppose from my situation that I committed more persons than all the other justices in the city of Washington.

Question. Can you form some approximate idea of the number?

Answer. I can recollect very few—perhaps half a dozen, not a dozen cases, I am sure.

Question. Did the parties applying for these substitutes generally themselves become bail?

Answer. No, generally some person was taken as bail, who I thought was sufficient for the amount. If I understood the prisoner was to go into the army, of course I would lessen the bail.

Question. What amount of bail was generally required in cases of grand larceny?

Answer. Sometimes \$200 or \$250.

Question. Did you ever know of any committee from the fourth ward going to the jail on this subject?

Answer. No, sir; I never heard of it.

ANSON DUVAL called, sworn and examined.

Question. What is your business?

Answer. I am guard of the jail.

Question. How long have you been there?

Answer. Since the first of May, last.

Question. Do you know anything of prisoners having been taken from the jail for the purpose of being used as substitutes in the army.

Answer. Yes, sir.

Question. How many have been taken, in your judgment?

Answer. I have no idea of the number, probably 60 or 70.

Question. Do you know whether any officers of the jail have been engaged in obtaining these substitutes for a consideration?

Answer. I do not know of any one but Mr. Milburn.

Question. What do you know of his receiving money for this purpose?

Answer. He took a man out of jail who was committed on the 14th of September last, under the name of William G. A. Jackson. The same man had previously been examined for the purpose of being taken out, but he stated he was already in the service. The officer from the provost marshal who examined him asked the character of the crime for which he was committed. It was stated he had stolen five or six hundred dollars and a gold watch. He was put back into the cell; the officer would have nothing to do with him. Subsequent to that, on or about the 6th of October, Milburn took the man out, and, as I understand, I do not know the fact, went security for him for \$500. He put him into the service, and Milburn told me he got \$325 for him.

Question. Do you know anything of Milburn's entering the jail at night for the purpose of getting out a substitute for a man by the name of Thompson?

Answer. Yes. I do not remember the date, but one evening some time, after the prisoners had been locked up, a negro man called at the jail to see a prisoner, but was refused on the ground that the man was locked up. It was contrary to the rules of the prison for any man to be seen after nightfall. The party had some conversation with Milburn which I did not hear. After a while Milburn, and Colonel Thompson, who claimed to be counsel for this man, went into the jail to see him. He, Colonel Thompson, and the negro man went in.

Question. Did you know of any money being paid to Milburn at that time?

Answer. I saw a \$100 note in Milburn's hand, the next day or day afterward, I forget which.

Question. Did you know where he got it?

Answer. I did not.

Question. You stated in regard to Jackson that he had been examined before Milburn took him out, and that when his crime was ascertained, and that he had already enlisted, the officer refused to have anything to do with him. Did Milburn know that fact?

Answer. When the examination took place, Milburn was present. The man stated distinctly that he had already enlisted and that his name was Johnson, not Jackson.

Question. Was it stated that he was a deserter from the service?

Answer. I did not hear that. I understood him to say that he was in the service.

Question. Did he say where he entered the service?

Answer. I am not positive. He stated that he was in the service and, I think, that he enlisted in August.

Question. How long after the party had been examined, in the first instance, before Milburn took him out and used him as a substitute?

Answer. It must have been perhaps 10 days.

Question. Are you sure that Milburn knew he was already in the service?

Answer. He had the same opportunity of knowing it with others in the room. It was stated distinctly.

Question. In the case of Milburn's visiting the jail after the hour visits were prohibited, do you know whether Milburn was aware of the order prohibiting such visits?

Answer. He issued the order himself from Mr. Beale.

Question. Have you at any time received pay for allowing agents or other persons to visit prisoners?

Answer. Never. I would like to say, lest there should be any misunderstanding, that sometimes, when I have gone down as a guard to the office where a man was put into the service, I have received, perhaps, five dollars, but at no time have I made any demand for money, nor any sort of bargains. I have always distinctly refused every offer that has been made me.

Question. Have you received offers?

Answer. Numbers of times.

Question. From whom?

Answer. A gentleman named Train offered me \$600 to get him a substitute. Another friend of mine, a clerk in the mayor's office, by the name of Klopfer, without knowing anything of the impropriety of my engaging in the matter, offered to give \$700 if I would procure a substitute from the jail; but I told him distinctly that I was not in that business.

Question. Have you received any other offers?

Answer. Major Donohue, whose son had been drafted, said he would give \$800 for a substitute for him.

Question. Do you know whether any of the persons who applied to you did obtain substitutes from the jail?

Answer. I do not know.

Question. Can you mention any other parties?

Answer. There have been other parties, but they were strangers to me.

Question. Do you know of any other parties connected with the jail having received money for the procurement of substitutes?

Answer. I do not.

ISAAC W. ROSS called sworn, and examined:

Question. Are you one of the guards of the jail in this city?

Answer. I am.

Question. How long have you been there?

Answer. Since the first of May last.

Question. Do you know of any officers at the jail who have received pecuniary compensation for procuring substitutes for the military service from persons in the jail charged with crime or convicted thereof?

Answer. I have never meddled with that. I have never had anything to do with taking out substitutes in any shape or form. I have had orders that when certain persons came to the jail to let them in. I have been offered, outside, any amount of money to engage in the business, but I have always refused. I have received at times, from men who have been at the jail, small amounts of money, but I never knew their names or anything about it.

Question. What amounts did you ever receive?

Answer. I could not say—very small.

Question. Do you suppose the persons handing you money in that way were there for the purpose of procuring substitutes?

Answer. I suppose that was their business. I was authorized by my superior officers to do what I was doing when these men came to let them in.

Question. Do you know of the payment of any money to Mr. Milburn for this purpose?

Answer. I saw money brought in one morning by a colored man, contained in a note, which was given to Mr. Milburn. After a while Mr. Milburn came to the door, having in his hand a \$100 note. This man came from the party, as I supposed, who was taken in by Mr. Milburn one or two nights before.

Question. Was it connected with this arrangement for getting a substitute on the application of Thompson?

Answer. I could not swear positively that it was. I understood that it was. I had gone home for supper when they came there to get out a substitute.

Question. Was anything said at that time by Milburn requesting you to conceal the fact that he had received this \$100?

Answer. He never said anything to me about it, one way or the other.

Question. What other persons besides Mr. Beveridge procured any considerable number of substitutes from the jail?

Answer. There were bailiffs about the court who came there. A namesake of mine, William Ross, was one, and a man by the name of John Stuart was another.

Question. Did you ever take these parties through the jail for that purpose?

Answer. I never did.

JOHN BELL called, sworn and examined:

Question. Are you one of the guards of the jail?

Answer. I am.

Question. How long have you been there?

Answer. Since the 7th of January, 1864.

Question. Have you ever received any money for aiding in procuring substitutes from the jail?

Answer. As stated by other witnesses who have preceded me, I have received small amounts at different times, but not otherwise. A gentleman came to me whom I did not know, and offered me two hundred dollars to tell him of the charges against some one in there who could be obtained as a substitute, but I did not do it.

Question. What do you know about one hundred dollars being paid to Mr. Milburn, for giving access to the jail after the hour for locking prisoners up?

Answer. I was sitting in the guard-room, with Mr. Milburn, when a colored man came in and asked me to let him see a prisoner. I told him he could not possibly see him at that hour; he insisted upon seeing him; he wanted to know if I would let him see what charges were against him; I told him he could see what charges were against him. The colored man said to me, "I will be honest with you about this matter, I want this man as a substitute; if you allow me to see him I will give you one hundred dollars; I will give the lawyer one hundred dollars, and the man two hundred dollars, which will make four hundred dollars; and there are two men I want, I will give the same for the other, which will make eight hundred dollars in all. After that I was called up stairs to take some medicine; when I came back the colored man was gone. Presently he came back with Colonel Thompson—Thompson said he wanted to go up stairs to see the prisoner; I told him it was against the rules of the prison; it was then after dark. He turned round and asked Mr. Milburn if he could not see that prisoner, Milburn replied that as it was him he would have to take the responsibility. Upon that he took a lantern and went with Thompson and the

colored man up stairs. I sat down in the outer room. After some time they came down and went off. The next day I was off duty. The morning following Milburn drew his chair up to me and said he didn't want me to say anything to the other guards about his going up stairs on that occasion, that it was a privilege he had. I told him I had already mentioned it to some of the other guards. He said he was sorry, but that it was no matter, it was a privilege he had. The same day another colored man came there, went into the room where Milburn was; and I saw Milburn directly afterwards having a one hundred dollar note in his hand. I remarked in joke to the others, "boys we are going to get a part of that."

Question. Did Milburn ever tell you the source from which the \$100 came?

Answer. No.

Question. Was Thompson there the next day?

Answer. No.

Question. What is Colonel Thompson's full name?

Answer. Michael Thompson.

Question. Have prisoners at any time expressed a desire to be taken out to go into the army?

Answer. A great many of them have.

Question. Have they ever sent letters or word to any parties to come and take them out?

Answer. I do not know that they have; I never took or sent any such word. They have often begged me to get some one to come and take them out, or to take them out myself and put them in the army.

Question. Do you know the crimes for which the men so taken out have been committed?

Answer. Various charges.

Question. What would be some of the extreme cases?

Answer. This Jackson case, I believe, was the hardest one that I know of.

Question. Do you know anything in regard to Milburn's knowledge of Jackson's being in the service at the time he was taken out?

Answer. I do not see how he could help knowing it.

Question. Were you present at the conversation referred to by Duval?

Answer. I was; I was standing at the outer door; Milburn was not further off from Jackson than across this table, and between Jackson and the lieutenant. Jackson spoke louder than I am speaking now.

Question. Was anything said about his being a deserter?

Answer. No; the lieutenant asked him some question, to which Jackson replied that he had enlisted or volunteered in the service some time last August; that his name was not Jackson, but George Johnson.

Question. Was Jackson in citizen's clothes when brought to the jail?

Answer. Yes.

Question. And nothing was said about his being a deserter?

Answer. Nothing that I heard.

THURSDAY, *February* 23, 1863.

ROBERT WATERS called, sworn and examined.

Question. Do you reside in the city of Washington?

Answer. Yes, sir.

Question. What is your occupation?

Answer. I am a guard at the jail.

Question. How long have you been there?

Answer. Ever since Pierce came in.

Question. Do you know whether for two or three years past there has been a habit prevailing of taking criminals or persons charged with crime, held for

trial, or convicted, out of the jail for the purpose of putting them into the military service of the United States, as substitutes for other parties?

Answer. I know they have been taken out of the jail; I did not go to see them mustered in. I supposed that was what they were taken out for.

Question. How long has that practice prevailed?

Answer. I suppose it has been going now on for a year or eighteen months.

Question. Was it practiced before the present warden came into office.

Answer. I do not know whether it was or not.

Question. Since the present warden came into charge of the jail have there been many cases of the kind?

Answer. Yes; I think there have been a great many. I have not kept any account, but I suppose as many as sixty or seventy.

Question. Do you know whether any persons, officers of the jail, have received compensation from parties outside, for aid rendered in securing substitutes from the prison?

Answer. Mr. Beveridge took some men out from there, and I have received small sums from him. I do not know what for. I never made any bargains with him. He would pay it may be a dollar apiece, as I supposed, for my services in running backwards and forwards for him.

Question. Do you know of money paid by Beveridge to other parties?

Answer. I have seen him give money to the other guards in the same way that he did to me. They asked no questions.

Question. Do you know Mr. Milburn, the deputy warden?

Answer. I do.

Question. Do you know anything about his going into the jail at night, or allowing other persons to go into the jail at night in violation of the rules of the prison, for the purpose of procuring substitutes.

Answer. I will tell you what I know about it. It is a rule with us, when the prison is shut up, not to allow any one to go in unless on some very particular occasion. In going away from there one evening, I met a barouche with three colored men in it. Milburn and Bell were at the jail. I was with a soldier who had been discharged by the grand jury, and who was intoxicated; he wanted me to go with him and drink. To get rid of him as much as anything, I turned and went back to the jail. When I got there one of these colored men was in there and came out. I went away again, and when I came back again Mr. Milburn had gone up stairs with the colored man, and lawyer Thompson. After a while they came down stairs and went out. I had no conversation with them whatever.

Question. Do you know of the payment of any money to Milburn in connexion with this transaction, for the privilege of going up stairs on that occasion?

Answer. I only know what Bell said. It was four or five days after this transaction, while I was very busy in letting some prisoners out to go to court, I saw a yellow man standing in the door. He asked me for Mr. Milburn. I told him Mr. Milburn would be back directly. When Mr. Milburn returned, the colored man handed him a bank note, which Mr. Milburn opened, and I saw that it was one hundred dollars. He did not make any concealment about it, but displayed it before us all. We spoke of it, and supposed from what had passed that we were going to get five dollars or ten dollars, but did not.

Question. Did you ever hear Milburn state from what source that money came?

Answer. No, sir.

Question. Was anything said to you about concealing the fact that Milburn had received this money?

Answer. Not to me; no, sir.

Question. Did you see this money paid to Milburn?

Answer. I saw the man put the note in his hand, and I saw him open it.

Question. Who was the man that handed him this money?

Answer. I do not know the man, and do not know that I would recognize him if I were to see him.

Question. Do you know whether he was one of the parties who were there when Thompson came the night you mention?

Answer. I am under the impression it was the same man who did not come in, but sat in the barouche.

Question. Did you hear Thompson say anything that night?

Answer. Not a word, except to speak familiarly to me, as he always does when I meet him.

Question. Do you know of Mr. Beale having received any money at any time, in connexion with this substitute business?

Answer. No, sir.

Question. Did you, by the direction of Beale, go with any parties into the jail for the purpose of allowing them to consult with prisoners in relation to going to the army?

Answer. I did once; I was asked to go there with Mr. Beveridge. Bell was not there. One of the guards asked if Beveridge was allowed to go up without being accompanied by a guard. He said he wanted me to go with him, which I did. That is the only time.

Question. Do you know anything in relation to the removal of Jackson from the jail?

Answer. I do not. I know that he was there, and that he was taken away.

Question. Do you know anything about his antecedents?

Answer. No.

Question. Do you know anything about his subsequent history?

Answer. No; I only know that he was in there, and was let out.

Question. Have you been told by Milburn, at any time, that Jackson had been in the service of the United States?

Answer. No; I only know that I was told by Milburn that he had received \$325 for Jackson.

GEORGE PARKER called, sworn, and examined:

Question. Where do you reside?

Answer. In this city.

Question. Are you a merchant?

Answer. Yes, sir.

Question. Have you been in business in this city for some time?

Answer. Yes, from my boyhood.

Question. Have you, within the last year, had any cases of fraud in the purchase of goods?

Answer. Some months since, a black man, whose name I do not remember, came to our store with a pass-book and purchased goods for a captain of the navy, as he represented, to the amount of \$90. He had been in the habit of coming with the captain, and we supposed came for him. We ascertained that the captain had left the city, and that the man had obtained the goods under false pretences. We had him arrested and put in jail, but a week or ten days after we learned that he had gone; that he had been put on board a vessel as a naval substitute, and had gone.

Question. Who was the information that he had gone under these circumstances communicated by?

Answer. I think by a guard at the jail.

Question. Is that the only instance you know of men being taken from jail and used as substitutes?

Answer. That is the only instance.

FRIDAY, *February*, 24, 1865.

DAVID K. CARTTER, called, sworn and examined :

Question. Where do you reside and what is your profession ?

Answer. In Washington. I am the chief justice of the supreme court of the District of Columbia.

Question. Do you know anything of the practice said to prevail in the District of letting prisoners in jail, on charge of crimes or felonies, to bail, with intent to offer them as substitutes for persons in the District of Columbia liable to draft, or for other persons, and of the connexion of any of the officers of the jail in procuring bail for said persons ?

Answer. All I know on the subject may be told in a very few words. While I was holding a portion of Judge Fisher's term of the criminal court last summer, I was waited upon by committees of the different wards of the city, and by many citizens, all looking after substitutes to fill the draft which was then pending. The object of their calling on me was to learn whether men for the purpose of substitutes could be found in or furnished from the jail. I replied in answer to their inquiries, that I did not know who were in the jail, or the charges on what persons were confined, and that I should be willing to do whatever I could to aid them compatibly with public justice; that nobody could be discharged from jail except by acquittal or upon bail. I uniformly said to such persons, as well as from the bench, that no man worthy of the penitentiary ought to, or with my consent should, be transferred to the army. That principle has actuated my colleagues upon the bench, so far as it has come to my knowledge. I felt then as I feel now, that an able-bodied man fit for the service and guilty of a trifling offence had better be in the army than in the jail. What transpired in the jail and among its officers I had no knowledge of, except from rumor.

Question. Did you aid any persons in attaining substitutes from the jail ?

Answer. I may have given, and I think I did give, a letter to Mr. Beale, the warden, introducing a Mr. Murphy to him, with reference to procuring a substitute from the jail; but with no idea or intent of being any party taken as a substitute who was guilty of any felony.

Question. Did you take bail in any cases of persons committed for and with a view of being then used for substitutes ?

Answer. I never took bail with any view or for the purpose of favoring the committees or any person who wanted a substitute. I have never taken bail where a party ought not to have been put on bail. I have taken bail where I knew it was the purpose of the party bailed to go into the military service.

Question. Have you ever taken bail for this object in cases where parties were charged with felony ?

Answer. I have not in any case where I thought there was any proof of the charge, or where, in my judgment, the party ought to be convicted.

Question. Do you know of any officer of any court, or of any party connected with the jail in this city or District, who has directly or indirectly received any compensation, pay, or remuneration, or gratuity for procuring or aiding in the procuring of substitutes from the jail ?

Answer. I do not.

Question. Do you know of any persons convicted of any felony who have been released or pardoned for the purpose of being used as substitutes ?

Answer. I do not.

JOHN H. JOHNSON called, sworn and examined :

I am a resident of Washington city, and have been for many years. I am a practicing attorney of the District courts, and also a justice of the peace. I have been a justice of the peace for about seven years.

Question. Do you know of parties confined in the city jail on charges for grand larceny, or other felonies, having been bailed out to be mustered into the military or naval service of the United States as substitutes for parties drafted, or liable to be drafted, for such service ?

Answer. Not of my personal knowledge ; but it is the current general report that it has been done.

Question. Do you know Benedict Milburn, deputy warden of the jail ?

Answer. I do.

Question. Did you ever have any conversation with him as to taking out any prisoners ; and if so, when, and under what circumstances, and what occurred between him and yourself ?

Answer. I have. About four or five months ago, I met him in the public street, and he asked me if I knew that Mr. Beale, the warden, was engaged in the business of taking out prisoners charged with crime as substitutes for persons liable to draft. I said I only inferred the fact from a suggestion made to me by the warden, that if I had, at any time, occasion to commit a person to jail, he would like to be informed of the fact and of the character of the offence charged ; and that Beale had said to me that some money might be made by obtaining such persons as substitutes in the army. Milburn stated that it was a nefarious or wicked scheme to make money, and that it was corruption, and that he intended to expose it. This was the substance of what occurred between Mr. Milburn and myself.

Question. You have alluded to a conversation which occurred between yourself and Beale, and which you spoke of to Milburn. When and where was that conversation, and what was said by Mr. Beale to you ?

Answer. This conversation was in the street car, between 11th and 15th streets, while I was going to the War Department, and took place about mid-summer. Beal then asked me to give him information as to persons I should have occasion to commit, and the nature of the offence, and said that money might be made by obtaining them as substitutes, or words to that effect.

Question. What was your reply ?

Answer. I answered that I committed very few persons, and that I did not think I could serve him in that matter. This may not have been my precise language, but its substance. I never had any further conversation with him on the subject. At this time everybody was looking for substitutes, and I did not think that Mr. Beal was actuated by any improper motive—I thought he wanted to help fill our quota.

MICHAEL THOMPSON called, sworn and examined :

Question. Where do you reside ?

Answer. I reside in Washington, and am a lawyer by profession.

Question. How long have you resided here ?

Answer. Since 1848 or 1849.

Question. Do you know anything of the practice which is alleged to have prevailed in the District of taking persons from the jail who have been charged with crimes, and letting them to bail for the purpose of using them as substitutes in the military service ? if so, state what you know.

Answer. I cannot state that I know personally of any general practice on the subject, but I can state something of an individual instance.

Question. Will you state it, mentioning time, place, and circumstances, and the persons connected therewith ?

Answer. It was some time last fall. I was called upon by a colored man by the name of William Leary, who requested me to accompany him to the jail to see a colored man by the name of Simmons, I think. I went with him to the jail in a carriage, and I think there was another colored man by the name of Charles Marshal in the carriage. We arrived at the jail about sundown. We found Mr. Benedict Milburn there. I told him I had come there for the purpose of seeing a prisoner by the name of Simmons, but I don't think I told him the purpose for which I wanted to see him. Leary had told me that he wanted to get Simmons out, and if he could, he thought he could get him to go as a substitute. He wanted my professional aid in getting him out. I told Milburn that I wanted to see Simmons. He replied that it was too late for that day, that the prisoners were locked up, and that under the rule no person could be permitted to see the prisoners at that hour, and suggested to me to call the next day if I wished to see him. I then urged him to relax the rule in my favor. I told him that similar courtesies had been extended to me before, and that I could not conveniently call next day. He finally yielded to my request, and I went up to see Simmons together with Milburn. As we started, Leary asked to go also, and see the prisoner, to which Milburn objected. Leary made an appeal to Milburn, and finally, at my solicitation and Leary's, he permitted him to go. We went to the cell. I asked Simmons, and also Leary asked him, if he wanted to go into the service. He said he was willing to go as a substitute if he could be got out.

Question. What was the charge against Simmons—was it grand larceny?

Answer. I investigated the charge, and thought the same was not well founded. I went to the justice (Boswell) who committed him, and on talking with him, thought the case would not warrant his detention. I heard no promise on the part of Leary to pay William for letting him up. Leary is a truthful man, and lives in this city; his given name is William. The next day I had Simmons brought into court before Judge Cartter; I think it was the next day. I stated the case to Judge C.; said I had seen the prosecution and some of the witnesses, and that I did not think it was a case of larceny—that we wanted to give bail. I think when I tendered bail it was in open court, and that Judge Cartter asked the man I tendered as bail what interest he had in the matter and why it was he went bail. I do not recollect precisely what his answer was, but it was such I think as to satisfy Judge Cartter, or induce him to believe that he was interested in getting him out for the purpose of making him a substitute. If I recollect right Judge Cartter spoke to Simmons; that he called him up in the court room and asked him if he knew that he could get \$300 bounty. Very soon somebody, I think this man Long, placed \$300 in my hands in open court, with the understanding that it should be paid to this Simmons in case he should be released by the court and accepted as a substitute for somebody whose name was given; I think his name was Reed.

Question. Was Reed present in court?

Answer. I do not recollect about that; there was some man in the court room who said he wanted this boy for his brother or brother-in-law. It was stated openly, there was no secret about it. As soon as I received the money I went up to the judge and said that \$300 had been placed in my hands to be given this boy in case he was accepted as a substitute, and that we were prepared to give good and sufficient bail. I think the judge said, "well bring up your bail, and I will hold you responsible that the boy gets his \$300;" said I, "Judge, I do not like to be responsible for that, I do not want to hold this money, I would prefer to turn it over to the court or to the marshal." I said, "Here is Deputy Marshal Phillips, I will turn it over to him," and I did pay it to George W. Phillips, with the understanding that it should be turned over to the boy.

Question. How high was the bail placed?

Answer. I forget, it was ample bail.

Question. Was it less than \$300?

Answer. I really do not remember what it was.

Question. Was the court in the habit of making the bail lower in these cases of substitutes?

Answer. I cannot say that I ever saw the court receive what I would regard as insufficient bail upon any consideration or for any purpose. I know I have tried frequently to get bail down lower than the judges were willing to make it.

Question. You acted as counsel for Long, did you not?

Answer. My object was to get this boy out. Long paid me a fee. It is not unfrequent that a person will come to me and state that he has a friend in jail, for whom he wishes me to act as counsel; but I did not wish to appear in court without first seeing the prisoner, to know whether it met his approval or not. I think it is but justice to Judge Cartter to say that he was determined to prevent, as far as he could, any speculation in the way of substitute-brokerage, by requiring me to see that the boy got his \$300, and that the brokers did not get it.

Question. Do you know how much this man paid Long for procuring a substitute?

Answer. I do not, of my own personal knowledge. Long told me that he got \$400 or \$450; but he will tell you about that, and what he did with the money, if you call him before you.

E. J. MIDDLETON called, sworn, and examined:

Question. What occupation is yours?

Answer. I am deputy clerk of the supreme court of the District of Columbia.

Question. Do you, as such deputy, take bail bonds which are given by parties?

Answer. We take bonds which are sent up by magistrates, and take recognizances in open court.

Question. Do you keep a record of these bonds?

Answer. Yes, sir.

Question. Have you that record here?

Answer. Yes, sir.

Question. Can you state what bond was given in the case of W. A. Jackson, early in October, 1864?

Answer. Benedict Milburn was the bail in that case, in the sum of \$500.

Question. Have you any knowledge of the number of persons who were bailed in your court, for the purpose of being offered as substitutes in the army, between the 11th of April and the present time?

Answer. I have no idea; I could not tell for what purpose the bail was given. Citizens usually come from the jail with a slip of paper, stating what the offence is, which is handed to me, and the amount of the bail fixed.

Question. Do you know whether Mr. Milburn paid the bond, or what was the result in the case of Jackson?

Answer. I can ascertain by reference to my book.

SATURDAY, *February* 25, 1865.

GEORGE P. FISHER called, sworn, and examined.

Question. Where do you reside?

Answer. I reside in Washington county, near Fort Bunker Hill.

Question. What is your profession?

Answer. I am one of the justices of the supreme court of the District of Columbia.

Question. Is that a court of criminal jurisdiction?

Answer. Yes, sir; it has the entire jurisdiction, criminal and civil, of the United States in the District of Columbia.

Question. Do you know anything of the removal of prisoners confined on

charge of crime, from the jail for the purpose of being used as substitutes in the military and naval service of the United States within the last year?

Answer. I cannot say that I know anything in respect to their going into the service of the United States.

Question. State what you know, if anything, upon the subject within the year past.

Answer. I think about a year ago there was a great pressure made about the draft in this District, and applications were made to the various judges of the court to let men go from the jail. My reply, I think, was that we had no power to discharge the jail in that way, but that wherever a man was imprisoned upon a charge of minor character, such as assault and battery or some offence of petty grade, that upon examining into the case, if we found it was consistent with public policy, we would let the man go upon his own recognizance; that I would do so in proper cases; I think a few prisoners went that way; the military would sometimes ask for them. A good many of them would be discharged soldiers who would get drunk and steal some little thing, as a hat, an old coat, or a pair of shoes. They would be glad enough to get into the army, and I thought they had better be there than in jail. There were a few cases of that sort, perhaps half a dozen. On several occasions also, persons applied to me to release men to become substitutes for them. I told them I had no power to do that; there was only one way to get men out who were in prison for crime. If they were bailed out the bail could keep them wherever he pleased, and if he chose to put them into the army, that was something I had no control over.

Question. Have you any idea of the number of persons who were bailed out, as you were informed or believe, for the purpose of going into the army?

Answer. I have no idea, because after giving that information they would leave me, and I would lose sight of the case.

Question. Do you know anything of the case of William G. A. Jackson, who was indicted for grand larceny?

Answer. I do not; but of the twenty-four or twenty-five hundred cases since I have been on the bench, I suppose I have tried fifteen or eighteen hundred and unless there is something very peculiar, I could not recall it.

Question. It has been said here that letters were received by the warden and deputy warden from the judges of the court in regard to taking prisoners out as substitutes; have you any recollection upon that subject?

Answer. I have not; I do not recollect writing. It may be that I have written a letter for somebody who came to me and said that he would like to get a substitute, but must have a permit to get into the jail; I have no recollection upon the subject.

Question. In instances where these persons were let out on bail when the cases were called in court afterwards, what disposition was generally made of them?

Answer. You will see by the list of cases, which I believe Mr. Middleton has furnished, that they were nearly all dismissed by the grand jury. I, perhaps, ought to make this general observation, that in the condition the District now is, with all sorts of people from every part of the country, the jail is filled. A great many cases are dismissed by the grand jury, cases where there is no evidence and the parties ought not to have gone to jail at all. Quite a number of cases also have been *nolle prossed* by the district attorney.

Question. In cases where persons were taken out on bail and used as substitutes in the army and consequently did not make their appearance in court, they could not be tried, could they?

Answer. No. I think there was some conversation between the district attorney and myself on that subject. He asked me—I do not know whether he talked with any of the other judges or not—what I would do in such cases. I had a great deal of experience in the criminal business as attorney general in

the State where I was born, and I told him that I would in every case, where I was satisfied that the offence was one of trifling magnitude, allow the man to be enlisted. I thought it was better for such a man to serve his country in the army than to be in the penitentiary; that in such a case I would enter a *nolle prosequi*, but if the case was one of magnitude I would let it stand and try him whenever I could find him.

Question. Have you any knowledge of any officers connected with the court or with the jail in any way, who have afforded facilities for getting substitutes out of jail for a consideration?

Answer. No, sir, I have not the slightest knowledge on that subject. I know that last summer or fall, I heard a gentleman say he had got a substitute from the jail—some Virginian who was not liable to enrolment, who had been guilty of assault and battery on some petty offence—that he got him for a very small sum but did not know how to use him; that he paid somebody \$10 to work the matter through the provost marshal's office and \$5 for hack hire, making the entire cost \$115. That is all I know about it. I might say further, that I know the deputy marshal had a bailiff, of the name of Colclazer, that he discharged Colclazer because he caught him in something of this sort. He has been very rigid in trying to find out matters of this sort.

Question. What is the name of the deputy marshal?

Answer. George W. Phillips, a most excellent, worthy man. He has been in that place a great many years. He is so strict about it that it is pretty hard now to get bail since he has learned there are rumors about these things.

E. J. MIDDLETON recalled and examined.

Question. Have you examined your docket to ascertain the number of prisoners who have been bailed by Mr. Beveridge?

Answer. Yes.

Question. Have you also ascertained what persons were bailed by Mr. Milburn?

Answer. I have. I have made a list of the cases from March, 1864, till the end of December following, in which I have also incorporated the disposition of prisoners made in these cases.

Question. Is this a statement of the facts as they appear on the docket of the court, and, to the best of your knowledge and belief, do you believe it to be true?

Answer. It is, and I believe it to be true.

The following is the statement referred to:

OFFICE OF THE CLERK OF THE SUPREME COURT OF THE DIS'T OF COLUMBIA,
Washington, February 25, 1865.

In pursuance of the request of the Committee of the District of Columbia, I have the honor to submit the following statement of cases in which Benjamin L. Beveridge became surety, beginning with the March term, 1864, viz: March 7, 1864, and ending with the close of December term 1864, viz: February 8, 1865, as follows, viz:

1. Henry Jones, no bill found by the grand jury.
2. James L. Jones, indicted and *nolle prosequi* entered by district attorney.
3. Thomas Johnson, indicted in two cases, acquitted in one, and *nolle prosequi* entered in the other.
4. Alpheus Johnson, no bill found by the grand jury.
5. Andrew W. Bear, indicted, not yet tried.
6. Elijah Alsop, no bill found by the grand jury,
7. Paul Jones, do. do.
8. Daniel Chase, do. do.

9. Henry Jackson, no bill found by the grand jury.
10. Wm. O. H. Brunges, do. do.
11. John Murling, do. do.
12. Alfred Smith, do. do.
13. Babe Alexander, do. do.
14. Wesley Burch, do. do.
15. Henry Smith, do. do.
16. James Reed, indicted, not yet tried.
17. James Thomas, no bill found by the grand jury,
18. William Anderson, do. do,
19. Benjamin General, do. do.
20. William H. Light, indicted and convicted,
21. Henry King, surrendered by his surety—no bill found.
22. Francis M'Laughlin, do. do.
23. Richard O'Conner, no bill found by the grand jury.

I also have the honor to state, that during the same period Benedict Milburn entered bail for but one person, namely, Wm. G. A. Jackson, in which case a bill was found by the grand jury, and a *nolle prosequi* entered by the district attorney on the 6th of December, 1864.

I find by the record that one Paul Simmons was bailed by one Edward Towers, was afterwards indicted, and a *nolle prosequi* entered in his case; that one Wm. A. Simmons was released on his own recognizance, and no bill found in his case; and also, that one John E. Simmons was indicted, and afterwards released on his own recognizance.

All of which is respectfully submitted,

E. J. MIDDLETON, *Deputy Clerk.*

I find, on reference to a docket of recognizances, taken in the recess of the court, that Benjamin L. Beveridge was bail in the following cases, in addition to those stated on the preceding page, viz:

William H. H. Dorsey, indicted, not yet tried.

George W. Seals, indicted, convicted, and recommended by the jury, and a *nolle prosequi* entered.

Edmund Courtney, indicted in two cases, convicted in one, and a *nolle prosequi* entered afterwards in both cases.

Wm. Anderson, no bill found by the grand jury.

Respectfully,

E. J. MIDDLETON.

A. C. RICHARDS called, sworn, and examined.

Question. What is your occupation?

Answer. I am superintendent of the Metropolitan police force.

Question. Do you know anything of a man by the name of Wm. G. A. Jackson?

Answer. I only know him by the records we keep in the office, and by the reputation he has among our detectives and officers of the force.

Question. Will you state what your records show in respect to him?

Answer. I find here, under date of July 15, 1864, a description of this man as having been arrested for grand larceny and as having given security for court. The articles amounted in value to about \$30, and were claimed by Annie M. Steele.

Question. What became of the case in court?

Answer. I do not know.

Question. What is the next entry you have against Jackson?

Answer. The next is under date of September 14, 1864, from which it appears that Wm. G. A. Jackson, a notorious thief, arrested on the 17th of

August, and charged with grand larceny, made his escape from the headquarters of the police office. He was arrested on the charge of robbing the house of John Maddigan of \$550, and a watch valued at \$75. Four hundred and forty dollars were found in his possession and a gold watch. He was committed to court by Justice Boswell.

Question. Have you any other entry or complaint against him?

A. It appears, under date of November 27, Second Lieutenant Isaac Pierson, of Alexandria, that two soldiers, one by the name of W. G. A. Jackson, well known to the detective force, robbed the quartermaster's safe of prisoners' money amounting to \$1,100. He is still at large as a deserter, as I understand.

JOHN A. CLARVOE called, sworn and examined:

Question. State your position?

Answer. I am a detective in the Metropolitan police force.

Question. State what you know, if anything, in respect to arrests being made of W. G. A. Jackson?

Answer. I arrested Jackson on the 16th or 17th of July, for the larceny of jewelry from one Annie Steele, who kept a house of prostitution, and also for the larceny of \$13 50 from Henry Aiken, a soldier in one of the New York regiments. He gave as bail, in the case of the larceny, Edmond Monroe, his partner. Then, about the 15th of August, there was complaint made at the office, by Monroe, his partner, of being robbed of a watch, and, I think, 50 odd dollars. I arrested Jackson on that again, and he was committed to jail for further hearing. I brought him out for examination, and he made his escape through a window in the office. The next I heard of him was of his robbing John Maddigan of \$5 50 and a gold watch. I was called off in some important case, and saw him with the passengers on 7th street wharf. I arrested him, but found he was already under arrest by one of our officers. The next I saw of him he came to the office inquiring for a pistol, which was taken from him when he was arrested. He had soldier clothes on, and said he had been taken out of jail and belonged to the 2d District regiment. The next I heard of him, a man came from Alexandria, and said he would give me \$1,000 to catch him; that he had robbed a safe at the prison in Alexandria containing all the prisoners' money. I have never heard from him since. He was in company at the time he robbed the safe with a man by the name of George Josephs.

Question. When was it that he appeared at your office and inquired for the pistol?

Answer. That was after he was arrested for the robbery of Maddigan, and just a few days before the report of the robbery in Alexandria. I remarked, when I heard of the robbery, that I should not be surprised if it turned out to be Jackson; that we must look out for him; and just then a man came into the office and said it was Jackson.

Question. Do you know anything about the circumstances of his being removed from jail?

Answer. I do not; I have had several cases of burglary and garroting that never came to court, and I have always found the men were made soldiers of. There was a man by the name of Dorsey, arrested for enticing a man into another man's house, drugging him, and stealing his clothes and money. I found the man the next night, and the gentleman who had been garroted recognized the clothes and proved beyond a doubt the guilt of this party. One of the parties acknowledged it. I saw him in jail afterwards, and that is the last I have heard of him.

Question. Do you know that he went into the army?

Answer. I was told that he did.

Question. Do you know that Jackson had been in the army previous to his arrest?

Answer. He said that he never had been a soldier, and never would be. Most

of these "snake thieves," as we call them, those who go into halls and steal overcoats, &c., turn out to be bounty-jumpers. I asked Jackson, when he came to the office in soldier clothes, how he came to be a soldier. He said it was better to be a soldier than to be in the "hop"—meaning the penitentiary. I reminded him of what he had said before, that he never would be a soldier; he said that circumstances altered cases.

Question. Did he say anything about the pay that he had received?

Answer. He did; and stated the circumstances, but I do not recollect.

Question. Do you know whether Milburn knew Jackson before the time of his being taken out, and knew of the crimes he had been charged with?

Answer. He certainly must have known, as the man had been in jail twice before.

Question. Had you any conversation with Milburn in reference to the escape of Jackson you have mentioned?

Answer. No; he was carried to the headquarters of the metropolitan police, and made his escape through a back window of the office. I do not know whether the fact came to Mr. Milburn's knowledge or not.

FEBRUARY 27, 1865.

Examination resumed.

ROBERT BEALE, recalled:

Question. What proportion of the parties taken out of jail were black persons?

Answer. I think about half.

Question. Do you know whether your son, Robert M. Beale, had any connexion with Beveridge in the business of procuring substitutes?

Answer. I do not. I never heard of it. He is a lawyer, and likely may have rendered some professional service to Beveridge.

Question. Do you know a lawyer here by the name of John H. Johnson?

Answer. I do.

Question. Did you ever hold any conversation with Johnson on the subject of applying for prisoners as substitutes, as a means of making money?

Answer. I do not recollect that I ever did. I once said to Johnson that I wish the substitutes could be taken before they got into jail, but I never made any suggestion to him about taking them out with the expectation of making, or with the wish to make, one cent of money for myself.

TRADE WITH REBELLIOUS STATES.

[To accompany bill H. R. No. 805.]

MARCH 1, 1865.—Ordered to be printed, with testimony taken and to be taken.

MARCH 3, 1865.—*Ordered*, That ten thousand extra copies be printed for the use of the House.

Mr. E. B. WASHBURNE, from the Committee on Commerce, made the following

REPORT.

The Committee on Commerce of both houses of Congress, acting as a joint committee, charged with the investigation of the subject of trade with the rebellious States, submit the following report:

On the twentieth day of January last, the House of Representatives directed its Committee on Commerce to inquire into the truth of the report that one G. W. Lane, of Baltimore, in the State of Maryland, had received a permit to go to North Carolina and exchange provisions with the rebels for cotton, and report whether there was any authority vested in the Treasury Department to give the right to any one to furnish the rebels with supplies from our lines; and if not, to report such a bill or resolution as would bring the guilty to justice, and protect the interests of the government.

On the 25th day of the said month of January, the House, by another resolution, directed the Committee on Commerce to further inquire into all the facts and circumstances connected with the trade with the rebellious States since the breaking out of the rebellion, whether by permit from the Treasury Department, or otherwise. The committee were thus armed with authority for the fullest investigation of the whole subject of trade with the rebellious States. On the sixth of February, eighteen hundred and sixty-five, the House passed a concurrent resolution, which was agreed to by the Senate on the following day, providing that the Committee on Commerce on the part of the Senate be joined to the Committee on Commerce on the part of the House, in the investigations in which said committee on the part of the House were then engaged under the resolutions of the House of January twentieth and twenty-fifth, in regard to trade with States in rebellion.

The investigation of the subjects committed to the committee has opened up so broad a field of inquiry, and has required the taking of such a mass of testimony, as to render it impossible, with all the diligence they have been able to exercise, to conclude the investigation and have the evidence written out and the full report, on the matters involved, prepared at a sufficiently early day to secure such action on the subject as Congress may deem proper to take before the expiration of its present term. They ask leave, therefore, to submit this as a preliminary and partial report, containing the conclusions arrived at by them from the investigation they have thus far been able to make.

It is the judgment of your committee that the trade which has been carried on with the insurrectionary States since the breaking out of the rebellion, apparently

under the sanction of law, has been of no real benefit to our government; but, on the other hand, has inflicted very great injury upon the public service. It has induced a spirit of speculation and plunder among the people, who have entered into a disgraceful scramble for wealth during a time of war, waged to save the life of the nation, and has fed that greed of gain which must wound the public morals. It has tended to the demoralization and corruption of the army and navy by the exhibition of the vast rewards which have accrued from this trade and from the temptation and bribery with which they have been constantly assailed. It is believed to have led to the prolongation of the war, and to have cost the country thousands of lives and millions upon millions of treasure.

The object of the existing laws has been almost entirely evaded. The testimony before the committee discloses the shameless and treasonable character of the trade which has been carried on within the rebel lines with rebel agents, and for the use of rebel armies. The amount of supplies necessary for the support of rebel armies which, under the cover of this trade, has been sent through the rebel lines at New Orleans, Memphis, Norfolk, and other places, almost surpasses belief. Negotiations have been entered into, and correspondence carried on, by citizens of the United States with rebel agents to deliver for the rebel government provisions and other necessary articles to sustain the rebel armies, in return for cotton.

Your committee have had no opportunity to examine, to any considerable extent, into what has been done under the regulations of the Treasury Department, since the passage of the act of July 2, 1864, except so far as relates to contracts entered into by Hanson A. Risley, an agent authorized to purchase the products of insurrectionary States, at Norfolk, Va., but who has been located in Washington. By a statement sent from the Treasury Department to the Senate, it appears that this agent, from November 4, 1864, to January 24, 1865, made contracts with sixty-one persons to purchase over 930,000 bales of cotton. How many bales of cotton have been contracted for, or purchased, by agents at New Orleans, Memphis, Nashville, Beaufort, Port Royal, and Pensacola, has not yet been ascertained; but probably not less than 2,000,000 of bales.

The action of this agent at Washington seems to have been characterized by much irregularity and carelessness, though nothing has appeared to challenge the official integrity of Mr. Risley. There seems to have been no system governing the making of these contracts, and no uniformity in the requirements necessary to obtain them. Some parties made affidavits that they owned and controlled products in insurrectionary States; others made application in writing; others made verbal application; and no particular kind of proof seems to have been required that the parties were loyal and responsible men, acting honestly and in good faith.

Persons holding office under the government of the United States appear as contractors. Contracts, certificates, and Presidential orders have been materially altered and changed. It is in proof that orders of the President have been altered without his knowledge or consent.

Immense contracts have been made with particular individuals, in the propriety of some of which, at least, the committee are not able to concur. They have failed to become satisfied with the contracts made with several parties, and particularly with that made with Samuel Noble, for the enormous amount of 250,000 bales of cotton, it appearing that this Mr. Noble was recently from the rebel States, and that no sufficient evidence was required or received of his loyalty, honesty, and good faith, or that he either "owned or controlled" this very large number of bales of cotton. And it may be here stated, that, in the judgment of the committee, it was never contemplated by the existing laws, or by the regulations under them, that such vast contracts were to be given out to such a small and peculiar class of persons, and in the manner which has been allowed. In many other cases besides that of Noble there was the same want

of evidence in regard to the ownership and control of cotton, and it is apparent that in most instances these contracts were made with parties who neither owned nor controlled products in insurrectionary States, but who obtained the contracts, certificates and executive orders for the purpose of speculation. Nor were your committee satisfied in relation to the contract with Wilson, Gibson & Co., for one hundred thousand bales of cotton. It is in evidence before them, that for the purpose of part payment of this amount of cotton the parties have some time since shipped from the city of New York two vessel-loads of supplies, and among such supplies a large amount of articles necessary to the support of armies. Meats, to the value of thirty-four thousand dollars, formed a part of these cargoes.

Your committee cannot, in this preliminary and partial report, extend their comments upon the nature, character and effect of this trade. They believe the natural result of it will be to prolong the struggle in which we are engaged, by furnishing to the rebels articles which are indispensable to them in keeping up their armies. The closing of their ports through which they have been enabled, heretofore, to receive supplies from abroad, must make the pressure for this particular trade vastly greater than ever before.

If it be not the policy of the government to carry on trade with the people with whom it is at war, to feed an army and fight it at the same time, or to keep up a trade for the benefit of individuals, in too many instances corrupt, unprincipled and disloyal, it will change the existing provisions of law. The judgment to which your committee have arrived is sustained by the opinion of all the military men which have come within their knowledge. Your committee know the opinions of Lieutenant General Grant and Major General Sherman upon this subject. Major General Canby, who has been in command at New Orleans, and who has had the largest opportunities for observation, states in a communication to the Secretary of War, that if this trade be carried on in the manner and to the extent claimed by the speculators who now control it, its inevitable result, in his judgment, would be to add strength and efficiency to the rebel army east and west of the Mississippi, equivalent to an addition of fifty thousand men, and would stimulate into active opposition to the successful prosecution of our operations at least ten thousand men within our own lines; that cotton speculators in the Mississippi valley have a prospective, and hope to have an actual interest in every bale of cotton within the rebel lines. They know that expeditions in the enemy's country are followed with the capture of cotton, or its destruction by the rebels to prevent its falling into our hands; hence, it is to their interest to give information to the rebels of every contemplated movement. He states, further, that he has never sent an expedition into the enemy's lines without finding agents of this character in communication with the rebels, giving them information regarding our movements, and that nearly every expedition has been foiled to some extent in some of its objects by information so communicated.

He also states that he has in his possession papers in relation to contracts made with English houses in Mobile for the exportation of two hundred thousand bales by the way of New Orleans, and that the conditions of the sale require the payments to be made in supplies, in gold, or in foreign exchange, and that the net profits of these transactions were estimated at ten millions of dollars.

He further states that the rebel armies east and west of the Mississippi river have been mainly supplied for the last twelve months by the unlawful trade carried on on that river, and that the city of New Orleans, since its occupation by our forces, has contributed more to the support of the rebel armies, and to the purchase and equipment of privateers that are preying upon our commerce, as well as to maintain the credit of the rebel government in Europe, than any port in the country, with the single exception of Wilmington.

General Canby says that he makes these statements in order to convey to

the Secretary of War his own opinion of our actual condition, of the embarrassment under which all military operations must be conducted, and to express the hope that if the future operations of the troops in his command should fail to meet the just expectations of the Secretary, the circumstances should be considered by which their usefulness and efficiency were impaired.

He does not doubt that many persons engaged in the purchase of the products of insurrectionary districts are loyal and honorable men, but he does "know that many of the intermediary agents employed are rebels or unprincipled men, actuated only by the instincts of gain; but the licenses allowed to the first class give countenance and opportunity to a far more numerous class who follow in the track of the army, traffic in its blood, and barter the cause for which it is fighting, with all the baseness of Judas Iscariot, but without his remorse."

To what has been said by General Canby the committee desire to add the testimony of Brigadier General Gordon, a distinguished officer, who has been in service since the commencement of the war, a good part of the time on the lower Mississippi and at New Orleans, and who is now engaged on a military commission at Norfolk, investigating this subject of trade with rebellious States. He says in his testimony, that from his observation during the war, and from the best testimony in the investigation he is making at Norfolk on the subject of trade, he is of the opinion that its continuance is simply to supply the rebel army with subsistence; that it is of no earthly service to the United States, but an irreparable injury, and that it does but little if any good to the inhabitants for whose benefit, to a certain extent, it has been authorized.

These opinions of military men, which have been referred to, have been fully confirmed by the opinion of naval officers whose testimony has been had.

The committee recommend the repeal of the eighth section of the act approved July 2, 1864, which authorized the Secretary of the Treasury, with the approval of the President, to appoint agents to purchase for the United States any products of States declared to be in insurrection, with a proviso saving the rights of all parties where actual purchase and delivery of such products have been made by such agents. Congress contemplated the purchase of such products, that the same should be forwarded for markets and paid for out of the sales effected. It is obvious that a provision should be made to save the rights of the government and seller when the contract for the purchase has been consummated and delivery of the products made to the agent.

These licenses or permits given by the agents to persons not owners or sellers of such products, to enter the States in insurrection to bring out such products, are not deemed entitled to be considered as contracts of sale within the meaning of the act, are obnoxious to the mischief imputed to the traffic, and are not of a character to require especial protection.

The committee therefore recommend the passage of the accompanying bill.

TESTIMONY.

WEDNESDAY, *January 25, 1865.*

Members present :

Representatives.
Mr. WASHBURN, chairman;
LONGYEAR,
ELLIOT.

Representatives.
Mr. PERRY
WARD,

JOHN W. HOGG called, sworn, and examined.

By the chairman :

1. Please state whether you occupy an official position under the government, and if so, what position ?

I occupy the position of corresponding clerk in the office of the Secretary of the Navy.

2. State whether you have any, and if so, what knowledge of the subject referred to in the following printed paragraph :

“In December last, G. N. Lane, of Baltimore, obtained a permit from H. A. Risley, chief agent of the treasury, to take a cargo of provisions on the small steamer Philadelphia, from Baltimore to Plymouth, N. C., via the Chesapeake and Albemarle canal, for the purpose of exchanging for cotton which Lane had bargained for, he claiming the right to deliver the goods at the point where he received the cotton. He proceeded direct to Franklin, without reporting at Plymouth. At Franklin he took on board 257 bales of cotton, and on his return the steamer and cotton were seized by Captain Brooke, of the gunboat Valley City, which was stationed at the mouth of the river for that purpose by order of Commander Macomb, who claims the steamer and cargo under the circumstances, as a naval prize. Lane is retained as a prisoner of war?”

I know nothing further in regard to the matter than is stated in the official report to the Navy Department of Commander Macomb, under date of January 4, 1865, which is as follows :

“U. S. S. SHAMROCK, DISTRICT OF THE SOUNDS OF NORTH CAROLINA,
“Plymouth, *January 4, 1865.*

“SIR: I wish to protest, in the strongest terms, against the manner in which certain parties, under cover of the treasury regulations, are supplying the rebel armies.

“It appears there is a clause in the ‘Treasury Regulations for Commercial Interchange,’ &c., which permits any one bringing out cotton, tobacco, &c., to take in return supplies and merchandise, to the amount of one-third of the value of the products brought out. This law is a mistake. Under no circumstances should supplies be allowed to pass without our lines. I seized the other day a schooner, with a cargo of every kind of contraband articles, valued at nearly \$7,000, which was on its way directly into the enemy’s lines, and there is very little doubt that most of it will go to feed the armies against which we are fighting.

“I respectfully request that you will refer this matter to the Treasury Department, and have a stop put to this manner of assisting our enemies.

“I shall send a duplicate of this to the admiral. My reasons for making this report direct to the department are, that the parties engaged in this business will probably make complaints at Washington of my seizure of their property, and I wish my reasons to be known. The schooner, the Georgia, is still here, awaiting directions from the admiral.

“A steamer, called the Philadelphia, with a large cargo, said to have the proper treasury permits, signed by General Shepley, &c., ran up the Chowan river the other night, and is said to have gone to Franklin, Va., to sell her cargo. On her way up a guard of rebel soldiers was placed on board her, to take her up in safety.

“I am, sir, very respectfully, your obedient servant,

“W. H. MACOMB,

“Commander, Commanding District Sounds North Atlantic Squadron.

“Hon. GIDEON WELLES,
“Secretary of the Navy.”

I also submit to the committee another letter from Commander Macomb, on the same subject, dated January 7, 1865, which is as follows :

"U. S. S. SHAMROCK, DISTRICT OF THE SOUNDS OF NORTH CAROLINA,
"Plymouth, N. C., January 7, 1865.

"SIR: I have this day received from Rear Admiral D. D. Porter the department's General Order No 42, in relation to the late executive order in regard to the trade with the rebellious States.

"My letter of the 5th (4th) instant was written before the receipt of that order, and at a time when I found that it was being abused by certain parties who took advantage of it to carry large quantities of supplies into a part of the country in the immediate possession of the enemy. I need not say that the above order will be carried out by me, especially that part which forbids contraband of war from being taken into the enemy's country.

"Very respectfully, your obedient servant,

"W. H. MACOMB,

"Commander, Commanding District Sounds North Atlantic Squadron

"HON. GIDEON WELLES,

"Secretary of the Navy."

The following is the order referred to in the letter last submitted :

"General order, }
 "No. 42. }

"NAVY DEPARTMENT,
"December 1, 1864.

"The attention of the commanding officers of squadrons, flotillas, and vessels of the navy, employed on blockade duty, or in the Mississippi river, or other inland waters in the vicinity of the insurrectionary States, is required to the executive order hereto annexed, dated September 24, 1864, and they will adopt such measures as may be necessary to insure the strict observance of the order by those under their command.

"The forms of certificates referred to in paragraphs III and IV of the executive order, are also annexed hereto.

"GIDEON WELLES.
"Secretary of the Navy.

"Executive order relative to the purchase of products of insurrectionary States

"EXECUTIVE MANSION, September 24, 1864.

"I. Congress having authorized the purchase for the United States of the products of States declared in insurrection, and the Secretary of the Treasury having designated New Orleans, Memphis, Nashville, Pensacola, Port Royal, Beaufort, N. C., and Norfolk, as places of purchase, and, with my approval, appointed agents, and made regulations under which such products may be purchased, therefore—

"II. All persons, except such as may be in the civil, military, or naval service of the government, having in their possession any products of States, or parts of States, declared in insurrection, which said agents are authorized to purchase, and all persons owning or controlling such products therein, and which have not been captured or abandoned within the meaning of the act of July 2, 1864, concerning captured and abandoned property, are authorized to convey such products to either of the places which have been hereby, or may hereafter be, designated as places of purchase, and such products, so destined, shall not be subject to detention, seizure, or forfeiture, while in transitu or in store awaiting transportation.

"III. Any person having the certificate of a purchasing agent as prescribed by Treasury Regulation VIII, is authorized to pass, with the necessary means of transportation, to the points named in said certificate, and to return therefrom with the products required for the fulfilment of the stipulations set forth in said certificate.

"IV. Any person having sold and delivered to a purchasing agent any products of an insurrectionary State, in accordance with the regulations in relation thereto, and having in his possession a certificate setting forth the fact of such purchase and sale, the character and quantity of products, and the aggregate amount paid therefor, as prescribed by Regulation IX, shall be permitted by the military authority commanding at the place of sale, to purchase from any authorized dealer at such place, or any place in a loyal State, merchandise and other articles not contraband of war, nor prohibited by order of the War Department, to an amount not exceeding in value one-third the aggregate value of the products sold by him, as certified by the agent purchasing; and the merchandise and other articles so purchased may be transported by the same route, and to the same places, by and from which the products sold and delivered reached the purchasing agent, as set forth in the certificate; and such merchandise and other articles shall have safe conduct, and shall not be subject to detention, seizure, or forfeiture, while being transported to the places, and by the route, set forth in the said certificate.

"V. Generals commanding military districts, and commandants of military posts and detachments, and officers commanding fleets, flotillas, and gunboats, will give safe conduct to persons and products, merchandise, and other articles duly authorized as aforesaid, not contraband of war, or prohibited by order of the War Department, or by the orders of such generals commanding, or other duly authorized military or naval officer, made in pursuance hereof; and all persons hindering or preventing such safe conduct of persons or property will be deemed guilty of a military offence and punished accordingly.

"VI. Any person transporting, or attempting to transport, any merchandise or other articles, except in pursuance of regulations of the Secretary of the Treasury, dated July 29, 1864, or in pursuance of this order, or transporting, or attempting to transport, any merchandise or other articles contraband of war, or forbidden by any order of the War Department, will be deemed guilty of a military offence and punished accordingly; and all products of insurrectionary States found in transitu to any other person or place than a purchasing agent and a designated place of purchase, shall be seized and forfeited to the United States, except such as may be moving to a loyal State under duly authorized permits of a proper officer of the Treasury Department, as prescribed by Regulation XXXVIII, concerning commercial intercourse, dated July 29, 1864, or such as may have been found abandoned or has been captured and are moving in pursuance of the act of March 12, 1863.

"VII. No military or naval officer of the United States, or person in the military or naval service, nor any civil officer, except such as are appointed for that purpose, shall engage in trade or traffic in the products of the insurrectionary States, or furnish transportation therefore, under pain of being deemed guilty of unlawfully trading with the enemy, and punished accordingly.

"VIII. The Secretary of War will make such general orders or regulations as will insure the proper observance and execution of this order; and the Secretary of the Navy will give instructions to officers commanding fleets, flotillas, and gunboats, in conformity therewith.

"ABRAHAM LINCOLN."

"FORM No. 1.

"_____, _____, 186—.

"I, _____, agent for the purchase of products of insurrectionary States on behalf of the government of the United States at _____, do hereby certify that I have agreed to purchase from _____, of _____, which products it is represented are, or will be, at _____, in the county of _____, in the State of _____, on the _____ day of _____, 186—, and which he stipulates shall be delivered to me, unless prevented from so doing by the authorities of the United States, _____.

"I therefore request safe conduct for the said _____ and his means of transportation and said products from _____ to _____, where the products so transported are to be sold and delivered to me under the stipulation referred to above and pursuant to regulations prescribed by the Secretary of the Treasury.

"_____."

FORM No. II.

"_____, _____, 186—."

"I, _____, agent for the purchase of products of insurrectionary States on behalf of the government of the United States at _____, do hereby certify that I have purchased of _____, of _____, of _____, at \$_____ per _____, and that there has been paid him for the same \$_____, and that the said _____ was transported from _____ by way of _____.

"_____."

3. What further took place in regard to the matter?

This letter from Commander Macomb was referred to the Secretary of the Treasury by the Secretary of the Navy, and his attention was called to the statement therein contained. The subject-matter of the first letter of Commander Macomb was submitted to the Secretary of the Treasury by the following letter, which is herewith presented to the committee:

"NAVY DEPARTMENT, *January 12, 1865.*

"SIR: I have the honor to submit for your perusal two communications this day received, one from Commander Macomb, at Plymouth, N. C.; the other, with accompanying papers, from Acting Rear-Admiral Lee, commanding the Mississippi squadron. Each relating to

transactions under the treasury regulations, and the operations which, in the opinion and judgment of these officers and others, are working a serious public injury.

"I will thank you to return the communications after having perused them.

"Very respectfully,

"GIDEON WELLES, *Secretary.*

"Hon. WM. P. FESSENDEN,

"*Secretary of the Treasury.*"

In answer to this communication to the Secretary of the Treasury, the Secretary of the Navy received a letter, which I also submit to the committee, as follows:

"TREASURY DEPARTMENT, *January 20, 1865.*

"SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, covering communications from Commander W. H. Macomb, dated Plymouth, January 4, 1865, and Rear Admiral S. P. Lee, dated Chickasaw, Miss., January 1, 1865, 'each relating to transactions under the treasury regulations, and the operations which, in the opinion and judgment of these officers and others, are working a serious public injury.'

"I am somewhat surprised at the tenor of these and other communications relating to the same subject.

"Permit me to call your attention to the several regulations issued by this department, under the law governing commercial intercourse with insurrectionary States, and the purchase of products of such States.

"Section 3, page 11, of the General Regulations governing commercial intercourse, issued by this department on the 29th July, 1864, in pursuance of the act of 2d July last, prescribes that 'commercial intercourse with localities *beyond* the lines of actual military occupation by the United States forces is absolutely prohibited; and no permit will be granted for the transportation of any property to any place under the control of insurgents against the United States.'

"Section 4, which relates to the transportation of merchandise to places *within* the lines of military occupation, authorized by law for the purpose of 'supplying the necessities of loyal persons residing in insurrectionary States within the lines of occupation by the military forces of the United States, as indicated by the published order of the commanding general of the department or district so occupied,' directs each supervising special agent to confer with the commander of the department, and agree with him in writing as to the place, or places, within those lines in his agency, to which supplies may be taken for the loyal residents therein.

"By Regulation V, at places agreed upon by them, as above, supply stores are authorized, but this regulation limits the amount to be taken to any such supply store to \$3,000 per month, unless the commanding general of the district, for military reasons, requests it to be larger; in which case the officers of this department are to be governed by the request of such military commander.

"All subsequent regulations governing commercial intercourse are framed merely to carry out these general principles.

"The 8th section of the act of July 2, 1864, relating to commercial intercourse, provides for the appointment of agents, to purchase for the United States any products of States declared in insurrection at such places therein as shall be designated by the Secretary of the Treasury, with the approval of the President. Places have been designated and agents appointed in accordance therewith, and regulations prescribed for the purchase of such products, copies of which are enclosed. To these regulations I ask your especial attention. They contain no authority for the agents of this department to issue any permits for the transportation of goods, either within or beyond the military lines of the United States forces, nor have other or additional instructions affecting this point been given to any of the agents of this department. I am therefore surprised at the assertion of Commander Macomb, that there is a clause in the treasury regulations for commercial intercourse, 'which permits any one bringing out cotton, tobacco, &c., to take in return supplies and merchandise to the amount of one-third of the value of the products brought out;' and at the further assertion, that 'a steamer called the Philadelphia, with a large cargo, said to have the proper treasury permits, signed by *General Shepley*, &c., ran up the Chowan river.'

"In view of the manifest ignorance of the treasury regulations evinced by these officers, and the loose manner in which they characterize transactions presumed to be under military authority as transactions under '*Treasury Regulations*,' I venture to suggest the propriety of calling their attention, by special instructions from your department, to the several treasury regulations in force, and of directing them, before reporting transactions as under treasury regulations, to ascertain, specifically, whether boats, vessels, or merchandise, when found moving within or beyond the lines of military occupation, are so moving

under treasury or military authority; and if under treasury permits, to please specify the character thereof, and the name of the officer granting them.

"If so granted by treasury agents, they are in violation of the regulations of this department, and on information thereof the proper corrective will be promptly applied. Due deference to the orders of the military and naval authorities is enjoined upon all the officers of this department; and I deem it essential to the harmonious operations of the government that the military and naval officers should inform themselves, at least to a reasonable extent, of the laws and regulations under and by virtue of which the commercial intercourse between loyal and insurrectionary States is regulated.

"I transmit herewith copies of the various regulations referred to, and, as requested, return the communications transmitted by you.

"I am, very respectfully, your obedient servant,

"W. P. FESSENDEN,
"Secretary of the Treasury."

Accompanying this letter were copies of the treasury regulations referred to, which I submit to the committee.

4. What reply, if any, was made by the Secretary of the Navy to the letter of the Secretary of the Treasury you have just presented?

The Secretary of the Navy replied under date of 23d January, 1865, as follows:

"NAVY DEPARTMENT, January 23, 1865.

"SIR: Referring to your letter of the 20th instant, relative to trade in the insurgent States, I have the honor to submit herewith a draft of a letter which it is proposed to send to the commanders of the different squadrons. Any suggestions you may be pleased to make will be considered.

Very respectfully,

"GIDEON WELLS,
"Secretary of the Navy.

"Hon. W. P. FESSENDEN,
"Secretary of the Treasury."

5 Have you the draft of instructions referred to in this letter?

I have. It is as follows:

"A letter from the Secretary of the Treasury in reference to trade with, and in States in insurrection, under date of January 20, says, that the regulations issued under the authority of the act of Congress of July 2, 1864, 'contain no authority for the agents of this (Treasury) Department, to issue any permits for the transportation of goods either within or beyond the military lines of the United States forces, nor have other or additional instructions affecting this point been given to any of the agents of this department.'

"You will therefore rigidly enforce the blockade, preventing all goods from entering the military lines or going beyond them, under cover of a permit issued by a treasury agent, reporting to this department all attempts to violate this order, including a copy of the permit, name of vessel, owner of boat, cargo, &c.

"A copy of this letter will be forwarded to each of the vessels in your squadron."

6. Have you any further knowledge of permits to trade with rebel States other than you have stated?

There was a transaction some months since, in which the same parties were concerned, and also the same vessels with permits, issued, I believe, by the commander at Fort Monroe, approved by the President of the United States.

7. That has no reference, however, to the transaction referred to in the opening of your examination?

No; it is another and a different transaction.

8. Do you know what has become of this schooner which Commander Macomb seized a few days before writing his letter?

No, sir; I do not. I find no official report on the subject other than the bare mention of it in that letter.

9. And you have no knowledge of what direction has been given in regard to the "Georgia?"

No direction has been given by the Navy Department, and we have received no communication from the admiral on the subject.

10. Have you any knowledge in regard to the "Philadelphia" which is spoken of by Commander Macomb?

No, sir.

11. Where is Commander Macomb at the present time?

He is at Plymouth, I believe.

SATURDAY, January 28, 1865.

Members present :

Representatives.

Mr. WASHBURNE, chairman ;
WARD,
LONGYEAR.

Representattves.

Mr. ELIOT,
DIXON,

JOHN W. HOGG recalled, and examined.

By the chairman :

12. Since you were last before the committee, their authority has been extended into other and further transactions connected with the trade with the rebellious States. I will now ask you to state to the committee if you have any further knowledge of transactions connected with such trade ; and if so, be good enough to state fully and particularly in relation thereto ?

An effort was made in June, 1864, to carry on trade with the sounds of North Carolina, by G. W. Lane, with the tug Philadelphia. It was arrested by orders of the Navy Department. I present to the committee the official correspondence connected with this transaction, as a part of my testimony. The documents which I present are original documents and correct copies, which I bring from the Navy Department.

The documents presented by witness are as follows :

"Series 2, }
No. 347. }

"FLAG-SHIP, NORTH ATLANTIC BLOCKADING SQUADRON,
"James River, Virginia, June 20, 1864.

"SIR : I transmit enclosed a communication from Captain Smith, of 15th instant, (1,) with its enclosures, viz : Copy of a letter from General Butler to the President of the United States, dated March 19, recommending that G. W. Lane be allowed to take a cargo of ploughs, &c., to Chowan county, North Carolina, on which the President's approval is indorsed ; and copy of a permit from General Butler to G. W. Lane, dated May 4, to trade as recommended ; (2,) my answer, dated 19th instant, to Captain Smith's letter ; and (3,) letter from Captain Smith of 15th instant, stating that the copy of the President's approval was omitted on the letter from General Butler, and giving a copy of it.

"I have the honor to be, sir, very respectfully,

"S. P. LEE,

"Acting Rear-Admiral, Commanding North American Blockading Squadron

"Hon. GIDEON WELLES,

"Secretary of the Navy "

"No. 36.]

"U. S. STEAMER MATTABESETT,
"Off Roanoke Island, June 15, 1864.

"SIR : The steam-tug Philadelphia, of Baltimore, I find here on my arrival, with an assorted cargo, and permits from General Butler, indorsed by the President of the United States, to trade with loyal citizens in Chowan county.

"These permits were granted on the 19th of March last, and before the capture of Plymouth ; and although there are many loyal persons residing at Edenton, the port to which the steamer proposes to go, and our navy vessels are lying off that place, I do not consider that this county is within our lines, and have detained her to await your instructions.

"There are many articles on the manifest that would afford comfort to the enemy if not properly distributed, viz : Dry goods, groceries, and 15 barrels of whiskey, but I cannot send a copy of the manifest as the mail-boat is about leaving.

"Mr. Lane, the master and owner of the steamer, has \$45,000 in North and South Carolina current funds, and \$5,000 in greenbacks for the purchase of cotton.

"I enclose herewith copies of the most important papers governing the movements of the steamer.

"Very respectfully, your obedient servant,

MELANCTON SMITH,

"Captain and Senior Officer in Sounds of North Carolina."

A. R. Admlral S. P. LEE,

Commanding N. A. B. Squadron.

"HEADQUARTERS EIGHTEENTH ARMY CORPS,
"DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
"Fortress Monroe, March 19, 1864.

"SIR : I have the honor to state that I believe the public interests will be promoted if George W. Lane, esq, shall have permission to go with, through the Currituck canal and

Albemarle sound to Chowan county, North Carolina, with cargoes of ploughs, harrows, trace-chains, ropes, twine, and such supplies as cannot be of use to an army, and to bring back return cargoes of cotton, tobacco, and other products of the country, all to be subject at all times to military supervision at this post.

"I have evidence of Mr. Lane's loyalty and trustworthiness.

"I have the honor to be, very respectfully, your obedient servant,

"BENJAMIN F. BUTLER,

"Major General Commanding.

"His Excellency ABRAHAM LINCOLN,

"President of the United States."

[Indorsed.

"I approve the object of the within.

"A. LINCOLN.

"MARCH 31, 1864."

"HEADQUARTERS EIGHTEENTH ARMY CORPS,

"DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,

"Fortress Monroe, May 4, 1864.

"George W. Lane, esq., has permission to pass through the Currituck canal and Albemarle sound, in Chowan county, North Carolina, with a cargo of ploughs, harrows, trace-chains, ropes, twine, and such supplies as cannot be of use to an army, and to bring back a return cargo of cotton, tobacco, and other products of the country.

"This permit is given on the express condition of forfeiture of goods if found in any way affording aid or comfort to the enemy, except by trading with peaceable inhabitants in goods not contraband of war or of use to the army.

"BENJAMIN F. BUTLER,

"Major General, Commanding."

"FLAGSHIP MALVERN,

"James River, June 18, 1864.

"SIR: Your No. 36, of the 15th, is just received. The President's permit to Mr. Lane must be respected. The papers will be forwarded to the department.

"Very respectfully, yours,

"S. P. LEE, Acting Rear Admiral,

"Commanding North Atlantic Blockading Squadron.

"Captain M. SMITH,

"Senior Naval Officer in the Sounds of North Carolina."

"No 37.]

"U. S. S. MATTABESSETT,

"Off Roanoke Island, June 15, 1864.

"SIR: In my hurry to get my despatch, No. 36, of to-day's date off in the mail, I omitted to put the following indorsement on the copy of the letter of General Butler to the President of the United States, dated March 19, 1864, viz:

"I approve the object of the within.

"A. LINCOLN."

"MARCH 21, 1864.

"Will you be pleased to have the above indorsement made upon that letter.

"Very respectfully,

"MELANCTON SMITH,

"Captain and Senior Officer in Sounds of North Carolina.

"Acting Rear Admiral S. P. LEE,

"Commanding N. A. B. Squadron."

[Telegram.]

"NAVY DEPARTMENT, June 24, 1864.

"Send immediately to the senior officer in the Sounds of North Carolina an order forbidding George W. Lane to trade in Chowan county with the tug Philadelphia.

"GIDEON WELLES,

"Secretary of the Navy.

"Captain GUERT GANESVOORT,

"Senior Officer, Hampton Roads, Virginia."

“NAVY DEPARTMENT, *June 24, 1865.*

“SIR: I have received your No. 347, dated the 20th instant, enclosing papers relative to the permit given Mr. George W. Lane to trade in Chowan county, North Carolina, with the tug Philadelphia

“The department has telegraphed Captain Ganesvoort to send immediately to the senior officer in the sounds an order forbidding George W. Lane to trade in Chowan county with the tug Philadelphia

“Very respectfully, &c.,

“GIDEON WELLES,
“*Secretary of the Navy.*

“Acting Rear-Admiral S. P. LEE,
“*Commanding N. A. B. Squadron.*”

WAR DEPARTMENT,
Office United States Military Telegraph.

“The following telegram received at Washington, 5.10 p. m., *July 2, 1864.*

“FROM FORT MONROE, *July 2, 1864.*

“Immediately upon receipt of department's telegram of June 24, I sent a boat with an order to Captain Smith to stop Mr. Lane from trading in Chowan county. Captain Smith informs me that upon receipt of your order he stopped him.

“GUERT GANSEVOORT,
“*Captain, Senior Officer.*

“Hon. G. WELLES,
“*Secretary of the Navy.*”

“Series 2, }
No. 370. }

“FLAG-SHIP NORTH ATLANTIC BLOCKADING SQUADRON,
“*James River, July 1, 1864.*

“SIR: The department's communication of 24th instant is received, informing me that an order had been sent forbidding G. W. Lane to trade in Chowan county.

“Captain Smith informs me, unofficially, under date of 23d ultimo, that he was visited by Mr. Heaton, the treasury agent at Newbern, who approved of his course in preventing Mr. Lane from trading within the enemy's lines, but afterwards reconsidered the matter, and granted permission under certain restrictions. The commanding general, on the 22d, visited Captain Smith and brought the enclosed permit, saying that he had indorsed it ‘as coming from the commanding general of the department, but if the matter had been left discretionary it would not have received his sanction or approval.’

“Captain Smith informed Mr. Heaton that as the party had obtained his permit to sell outside of our lines, he had nothing further to do with the transaction.

“I have the honor to be, sir, very respectfully, yours,

“S. P. LEE,
“*Acting Rear-Admiral, Commanding N. A. B. Squadron.*

“Hon. GIDEON WELLES,
“*Secretary of the Navy.*”

“*Authority to sell under special permit from the President and Commanding General.*

“Geo. W. Lane, esq., of Baltimore, Maryland, having exhibited at this office satisfactory evidence that he has the written approval of Major General Butler, commander of this department, and of the President of the United States, and also having filed a proper bond and taken the necessary oath, is hereby permitted to proceed up the Albermarle sound with a cargo of goods now on board the steamer Philadelphia, to a point in said sound at or near the United States fleet.

“The goods on board of said vessel are to be disposed of in conformity with the special authority granted by the President and the commanding general. A local treasury agent, appointed under the regulations of the Secretary of the Treasury, will be present when parties procure goods, and will give the proper permit and administer the necessary oaths.

“This authority is given upon condition that the said Geo. W. Lane shall at all times keep true accounts of all sales, with the name and residence of each purchaser, and the date and amount of every sale, and shall file and preserve all cancelled permits under which goods have been transported and copies of all permits under which sales have been made;

and that all books, invoices, accounts of sales, cancelled permits, and copies of permits shall at all times be open to inspection by the supervising or assistant special agents, under his direction.

"Given under my hand this 18th day of June, 1864.

"D. HEATON,
"Supervising Special Agent Treasury Department.

"A true copy of the original.

"D. HEATON,
"Agent Treasury Department.

Indorsement: "Forwarded to Admiral Lee.

"M. SMITH, Captain."

"Series 2, }
No. 394. }

"FLAGSHIP, NORTH ATLANTIC BLOCKADING SQUADRON.
"Hampton Roads, Va., July 9.

"SIR: I transmit enclosed a letter from Commander Bankhead, United States steamer Otsego, with its two enclosures, reporting that G. W. Lane, with the steamer Philadelphia, while trading on the authority of a permit from General Butler, approved by the President of the United States, in Chowan county, had been discovered to be dealing with an agent of the rebel government, and furnishing supplies to the enemy. He was immediately sent to Roanoke island, and turned over to the provost marshal there.

"I have to-day sent to Commander Bankhead a copy of department's letter of 24th ultimo, advising me that Captain Gansevoort had been directed to send the senior officer in the sounds an order forbidding G. W. Lane to trade in Chowan county. This order was duly despatched by Captain Gansevoort by special messenger, but it would appear from Commander Bankhead's letter that he is not advised of it.

"I have the honor to be, sir, very respectfully, yours,

"S. P. LEE,
"Acting Rear-Admiral, Commanding N. A. B. Squadron.

"Hon. GIDEON WELLES,
"Secretary of the Navy."

"UNITED STATES STEAMER OTSEGO,
"Albermarle Sound, N. C., July 5, 1864.

"SIR: During the absence of Captain Smith, senior officer commanding sounds of North Carolina, and on the 21st June, 1864, a small trading steamer named the Philadelphia, and apparently owned and commanded by a person of the name of Lane, arrived off Edenton. The said Lane came on board and reported himself as a trader, and produced permits from General Butler, indorsed by the President of the United States, and from General Palmer, commanding the military district, to trade with the people of Chowan county. He also reported 'that there was a custom-house agent on board, who was to see that the trading was carried on properly.' On the following day I received a letter from Captain Smith, (copy enclosed,) ordering me 'not to interfere with the treasury agent's permit for the Philadelphia to trade.' The steamer was allowed to anchor near the shore, and permission given to the said Lane to prosecute his trading.

"On the 27th June, I received a letter from the treasury agent, (copy enclosed,) informing me that the said Lane was trading directly with the agents of the so-called confederate government. Immediately upon the receipt of the report, I ordered the Philadelphia to steam off near the fleet, stop all trading, and remain there until the arrival of the commanding naval officer.

"Captain Smith having been relieved, and his successor, Commander Macomb, being still absent, I thought (upon consultation with General Palmer, who arrived here on the 30th June,) to send him down to Roanoke island, turning him over to the provost marshal.

"I would add, that General Palmer had the rebel agent brought before him who was said to have purchased the supplies, and who acknowledged the same.

"Respectfully, your obedient servant,

"J. P. BANKHEAD, Commander.

"Acting Rear-Admiral S. P. LEE,
"Commanding N. A. B. Squadron, Hampton Roads."

Forwarded :

W. H. MACOMB,
Commanding Senior Officer.

" UNITED STATES STEAMER MATTABESSETT,
 " Newbern, June 23, 1864.

" SIR: You will not interfere with the treasury agent's permit for the Philadelphia to trade in Chowan county.

" Very respectfully,

" MELANCTON SMITH,
 " Captain and Senior Officer in Sounds of North Carolina.

" Commander J. P. BANKHEAD,
 " Commanding United States Steamer Otsego."

" EDENTON BAY, NORTH CAROLINA,
 " June 27, 1864.

" SIR: After Mr. Lane obtained your permission to proceed near Edenton wharf to dispose of his goods to proper parties, in accordance with the trade regulations, on last Thursday night a lot of his goods were landed at the wharf at Edenton to a confederate government agent. I have good authority for saying Friday night some goods, or part of them were on their way to the confederate army, all of which was done without my permission.

" It is out of my power to carry out the trade regulations according to my instructions, and ask to be relieved from its duties on this occasion, and very respectfully ask if you will have Mr. Lane to report to you with steamer Philadelphia, that you in your good judgment can properly dispose of the case.

" The goods comprised bacon, coffee, sugar and whiskey.

" With high consideration, I am, truly your friend,

" E. H. WILLET,
 " Local Agent, Treasury Department.

" Captain J. P. BANKHEAD, Commander."

" Series 2, }
 No. 402. }

" FLAG-SHIP MALVERN,
 " Hampton Roads, Virginia, July 11, 1864.

" SIR: Commander Macomb, senior officer in sounds of North Carolina, reports under date of 7th instant, that having been informed by the treasury agent at Roanoke Island, that R. Overman was trading with the rebels at Elizabeth City, and supplying the rebel army, he directed Lieutenant Commander Truxton, U. S. S. Tacony, to arrest the man and seize his goods, and will deliver him, with the goods, to the military and treasury authorities at Roanoke Island. Mr. Overman denied having dealings with the rebels; four barrels of whiskey were found among his stores, however, which renders the whole liable to confiscation.

" Commander Macomb asks if persons are to be allowed to trade without the military lines, and if so under what circumstances; there is great reason to suppose, he states, that some of these traders are engaged in smuggling and otherwise violating their permits. Since the department's order forbidding Mr. Lane to trade with the Philadelphia, Commander Macomb has stopped all such vessels.

" I enclose his two (2) communications on these subjects, dated 7th instant, and request instructions, if any are necessary, beyond those contained in the treasury regulations, with which I have furnished Commander Macomb.

" I have the honor to be, sir, very respectfully, yours,

" S. P. LEE.
 " Acting Rear-Admiral, commanding N. A. B. Squadron.

" Hon. GIDEON WELLES,
 " Secretary of the Navy."

No. 2.

" U. S. S. SHAMROCK,
 " Albemarle Sound, June 7, 1864.

" SIR: Having received information from the special agent of the Treasury Department at Roanoke Island, that R. Overman was trading at Elizabeth City with rebel agents, I sent Lieutenant Commander Truxton, with the steamer Tacony, up the Pasquotank river, who by my orders arrested Mr. Overman, seized his goods, and brought him and them here.

"I shall deliver him over to the military and treasury authorities at Roanoke Island, together with the seized goods, although he denies having sold anything to the rebels.

"Four barrels of whiskey were found among his stores, which will render the whole of them liable to confiscation.

"Very respectfully, your obedient servant,

"W. H. MACOMB,

"Commander and Senior Officer of Sounds of North Carolina."

"Acting Rear Admiral S. P. LEE,

"Commanding N. A. B. Squadron, Hompton Roads, Va."

No. 5.

"U. S. S. SHAMROCK,

"Albemarle Sound, June 7, 1864."

"SIR: I respectfully request to be informed whether persons are to be allowed to trade without the military lines in this State, and if so, under what circumstances.

"Since the order from the Secretary of the Navy stopping the trading of the tug Philadelphia, I have thought it my duty to stop all such vessels, as Mr. Lane's (captain of Philadelphia) permit was signed by the President of the United States, and several persons in high authority, both civil and military.

"Moreover, there is great reason to suppose that some of these men are engaged in smuggling, and in other ways violating their permits.

"I am, sir, very respectfully,

"W. H. MACOMB,

"Commander and Senior Officer in Sounds of North Carolina."

"Acting Rear-Admiral S. P. LEE,

"Commanding N. A. B. Squadron, Hampton Roads, Va."

"NAVY DEPARTMENT, July 13, 1864."

"SIR: I have received your No. 402, enclosing communications from Commander Macomb, senior officer in the sounds, in reference to trade without the military lines.

"I know of no authority that transcends the law and regulations on the subject. No trading is to be permitted except in strict conformity with law, instructions, and trade regulations.

"Very respectfully, &c.,

"GIDEON WELLES,

"Secretary of the Navy."

"Acting Rear-Admiral S. P. LEE,

"Commanding N. A. B. Squadron."

"NAVY DEPARTMENT, August 6, 1864."

"SIR: I transmit, herewith, a copy of a letter dated the 24th ultimo, addressed by F. J. Stokes, esq., to the Secretary of State, and referred to this department respecting the steamer 'Philadelphia,' lately on a trading expedition in the sounds, and those concerned in her. This vessel has several times been brought to the attention of the department; her voyage, traffic, and proceedings appear to be illicit and have never had the approval or countenance of this department.

"Very respectfully, &c.,

"GIDEON WELLES,

"Secretary of the Navy."

"Acting Rear-Admiral S. P. LEE,

"Commanding N. A. B. Squadron, Beaufort, North Carolina."

"WASHINGTON, D. C., July 24, 1864."

"SIR: I would respectfully invite your attention to the following facts, showing evidence of fraud on the part of government officials in connexion with other parties, viz: A. M. Whitlock, J. H. Lane, and A. M. White, of Baltimore, Mr. Hoffman, custom-house, Baltimore, Mr. Risley, custom-house bureau, Treasury Department, and Major Moss, secret agent, Treasury Department, Norfolk, Virginia.

"The steamer Philadelphia, of Baltimore, has been seized by the Navy Department, at Newburn, North Carolina, for trading with the enemy; efforts are now being made by J. H. Lane to have the vessel released. The provost marshal of Baltimore took possession of her clearance, and all papers belonging to her, on the 13th of April. On the night of the 14th I was informed Mr. Hoffman granted them a new set of papers, unknown to the provost marshal. The seizure of the steamer was caused by the crew reporting the object of

the parties, viz: Trading with the enemy. She left Baltimore at night, proceeded to Fortress Monroe, where she laid six or seven weeks, and then proceeded to Newburn, North Carolina, where the seizure was made. The permit was granted to A. M. Whitlock, (a refugee from Virginia, and formerly acting in the capacity of scout for the government,) to trade in North Carolina, or on the coast, in cotton, tobacco, &c. It was given by Mr. Risley, of the Treasury Department. The steamer cleared with a cargo consisting of ploughs, dry goods, salt, sugar, molasses, and concentrated lye, valued at about ten thousand dollars, and while the steamer was lying at Fortress Monroe, A. M. Whitlock was purchasing goods, and sending them from Baltimore, and putting them on board the steamer.

"The steamer Philadelphia was purchased by J. H. Lane for eleven thousand dollars, for the business before stated. A. M. White, who was formerly confined in the old capitol for defrauding the government, and was compelled to refund a large amount of money, advanced thirty-five thousand dollars to carry on the trade, also giving security for one hundred thousand dollars against trading unlawfully.

"J. H. Lane, the principal actor, went to North Carolina, and purchased cotton for sixteen cents per pound, also a large lot of tobacco; this was previous to the vessel obtaining a clearance. I am informed that Major Moss informed J. H. Lane where the cotton (six hundred bales) was to be obtained, arrangements having been made with Lane that the profits of the trip were to be equally divided among the parties above mentioned.

"John McIntosh, of Baltimore, formerly of Washington, D. C., can substantiate the above facts, as he assisted the above parties in procuring their permits.

"C. D. Lord, No. 336 E street, Washington, D. C., can also substantiate some of the above charges.

"I have the honor to be your most obedient servant,

" F. J. STOKES.

"No. 483 11th street, Washington, D. C.

"Hon. WILLIAM H. SEWARD, *Secretary of State.*"

No. 18.

"UNITED STATES STEAMER SHAMROCK,

"*Allemarle Sound, July 25, 1864.*

"SIR: I have to acknowledge the receipt from you of a copy of the order of the Secretary of the Navy, stopping the trading of the steamer Philadelphia.

"Your letter, enclosing the Secretary's order, was addressed to Commander Bankhead, and in it you mention that you had sent the same order before, but you supposed it had not been received.

"The first order was received, however, and the Philadelphia seized in the latter part of June, the same day as the departure from the sounds of Captain Smith, or the day after, and was turned over to General Palmer.

"Very respectfully, your obedient servant,

"W. H. MACOMB,

"*Commander and Senior Officer, Sounds, North Carolina.*

"Acting Rear-Admiral S. P. LEE."

Indorsed: "Respectfully forwarded to Navy Department for the information referring to department's letter of 6th instant.

"S. P. LEE,

"*Acting Rear-Admiral, Com'g N. A. B. Squadron.*"

13. Do you know anything further in relation to this matter than what may be gathered from these documents?

I do not.

CHARLES GOULD called, sworn, and examined.

By the chairman:

14. State to the committee your residence and occupation.

My residence is New York city; I have no special occupation.

15. Have you been at any time or in any way, since the breaking out of the rebellion, connected with the trade with the rebellious States?

To a little extent, at one time, I was.

16. To what extent? In what articles did you deal, and with what parties were the transactions made?

About a year ago, if my memory serves me right, a person by the name of Morrill called on me, who stated that he held some office under the government, in Florida, and

requested me to join him and others in the purchase of cotton in Florida, and the shipment of it to New York. A Mr. Stickney, at one time, came with him, and he seemed to be interested in the operation. For one specific lot of cotton I made a kind of provisional contract with these parties; but I never was called on to advance any money, nor do I know that the thing ever produced any practical results.

17. Do I understand you that the transaction is at an end, or that it is still going on?

I suppose it is entirely at an end; I do not know that the parties are carrying it on at all.

18. What were the details about your arrangements with these parties?

I cannot now recollect what they were; I was to have some interest in the profits, if I did certain things. About the last of August, I think it was, I saw Mr. Morrill, just before he was going to start for Florida with Mr. Stickney. Mr. Stickney complained that I had not done my part of the business. I said "Very well, I will have nothing more to do with it; I do not like it at any rate, and am perfectly willing to give up my interest in the matter."

19. What were the things you were to do?

I can answer that question better by getting from New York the original agreement, which I will furnish, to be incorporated as a part of my testimony. I should say that what I was to do, was probably to make some advances of money and to attend to the sale of the cotton if any was shipped to New York, but I very soon made up my mind that I did not want to have anything to do with it, and to let it alone.

20. Did you make any advances in money?

Not a dollar.

21. What other knowledge have you about this Mr. Morrill, except that he was an office-holder?

None at all. I never saw him before nor since.

22. What were the inducements that he held out to you?

The inducements were that his friend Stickney, Judge Stickney, I think he called him, knew where certain cotton was concealed that could be brought out and purchased at a very low price.

23. Do you know what office this Mr. Morrill held?

I do not, though he named it at the time. I do not recollect what it was. You will observe that the whole thing has not made much impression on my mind. I did not pay much attention to it.

24. I understand, then, that the agreement you made with these parties was never carried out?

Never carried out on my part.

25. Do you know what further was done on the part of Mr. Morrill and Mr. Stickney?

No, I do not. I believe they went off to Florida some time late in the summer, or early in the fall, of last year, and I have not heard from them directly or indirectly since.

By Mr. Ward :

26. Do you know anything about Mr. Morrill's locality or residence?

No, I do not. I think it was somewhere down in Florida. If I am not mistaken, he was either district attorney or agent of the Treasury Department, and that Judge Stickney had charge of some court down there in Florida.

27. Do you know where?

It must have been somewhere near Fernandina.

28. Did these parties present any passes or permits to warrant their entering into these arrangements?

Mr. Morrill came to me, in the first place, with a letter of introduction. I cannot tell who it was from, some gentleman I knew very well. I do not think they ever showed me any such papers. They said they were going to get permits and passes to trade, but I do not think they ever showed them to me. They may have showed me once passage permits authorizing quartermasters to give them transportation; I do not think they went further.

29. Can you produce that letter of introduction?

I think I can find it, and if so, I will send it to the committee.

By the chairman :

30. Have you a knowledge of any other transactions touching trade with the rebellious States, if so, be good enough to state fully and particularly all you know in relation thereto?

I have no positive knowledge, but a good deal of general information, that I will be happy to give to the committee. In October or November last I was waited on by a gentleman of the name of Wells, who has been engaged in transportation in New York. He has also been superintendent, and probably a large owner of the Brunswick railroad,

in Georgia. He and a man by the name of Livingston, who represents himself as a citizen of Florida, or southern Georgia, living almost on the line, and who is marked by having lost three fingers of the left hand, came to me in New York. Livingston stated that he had lately been in Richmond; that he was on good terms with the rebel authorities and the officers of the rebel army; that he knew of not less than 200,000 bales of cotton concealed in various places in pits in the ground, and in the depths of woods, which he could get, bring out and buy at a very low price. He proposed that we should buy one large steamer, and one small one as a tender, and send out to Florida, or to Brunswick, as the case might be; the small steamer to go up the rivers and bring down the cotton to the large one. He wanted a capital of \$500,000 raised, fifty per cent. of which was to be paid in cash, and the balance at some subsequent time. He said they had made arrangements with a banking house, whose name he mentioned, but which I have forgotten. It is a new concern in New York, with which Noah L. Wilson, formerly of Marietta, Ohio, is connected, on the east side of Broadway, just below Wall street. They were to be the bankers of the concern. A man by the name of Howland, I think, was to be one of the parties in interest; a Mr. Story, of Little Falls, and quite a number of other gentlemen, whose names I forget, were to be connected with it. Mr. Livingston explained the profit that was to be made by the transaction; that the profits on the whole transaction would be something like \$10,000,000 to the parties who paid in the money. He and his friends—and he had a great many friends down there—were to have half the profits, and the parties who advanced the money the other half. Here is a little memorandum which he happened to make in my office on a scrap of paper lying on my table, showing the manner in which the profits were figured up:

" 1 bale of cotton, weight 400 pounds, at 25 cents per pound	\$100 00
" Value at New York quotations	500 00
" Government discount	125 00
" Net value	375 00
" Amount of provisions allowed to be carried in	125 00
" \$125 invested in bacon, at 22 cents per pound, 568 pounds of bacon, at \$6 confederate money	3,408 00
" \$3,408 invested in cotton, 2,272 pounds cotton, at \$1 25	2,728 50
" Government discount	682 12
" Net value	2,046 38
" Surplus added	250 00
" Total	2,296 38
" Less \$100	2,196 38

I declined to go into the operation, though urged very much thereto. Last week, on Tuesday, I came here from New York. On Wednesday evening I met Mr. Wells and Mr. Livingston in the hall at Willard's hotel, where they were stopping. They stated to me that the \$500,000 had been subscribed, and that fifty per cent of the amount had been paid in to their bankers; that they had their papers all right for going on with their purchase, and that they intended to leave for New York the next day. I asked Mr. Wells, the next morning, to show me the pass that he had. He had a permit to trade in some locality which I do not now recollect, written on a sheet of paper and signed by Mr. Lincoln, the President. He had also a pass, signed by Mr. Lincoln, on a rather full-size visiting card, very fully directing him to be passed along by quartermasters, military commanders, &c. He stated that it was the pass given to secret agents of the government, and would unquestionably carry him wherever he wanted to go. I said to him I was a little suspicious about his pass accomplishing his object. He argued it at some length. I said I did not wish to argue it, but he had better go to the War Department and find out whether it was all straight. In the evening I found that he was still in the city. He told me he had been to the War Department, but could not get their indorsement, but that he had sent for some friends at the north who, he thought, would succeed in carrying it through; that he had sent for Mr. Evarts, Judge Pierpont, and Thurlow Weed, and that they were coming to help him through with his pass. On Saturday he told me Mr. Evarts and Judge Pierpont had arrived. On Sunday morning last Mr. Weed arrived. On Tuesday night of this week he told me that his papers were all right, and that he and Mr. Livingston were going on. I have understood that they did leave for New York.

31. What did you understand him to mean when he said he had got his papers all right?

I suppose that they were indorsed properly by the War Department.

32. Did he show his papers?

Not subsequently.

33. What was his avowed object in leaving the city?

Mr. Livingston intended to go down to Brunswick as soon as possible.

34. How did they propose to go down? Did you understand they had purchased their steamers?

They told me they had purchased one steamer, a small one; the large steamer they had given up the idea of purchasing.

35. Can you state anything further in relation to this company, as to the individuals composing it or interested in it?

I cannot. I do not know any of the other parties, and did not hear any other names.

36. Do you know of any other or further transactions connected with the trade of the rebellious States since the breaking out of the rebellion? If so, state fully and particularly in relation thereto, so far as the same is within your knowledge or belief?

Of my own knowledge I can state nothing further.

JACOB W. BROWN called, sworn, and examined.

By the chairman:

37. What is your residence and occupation?

My residence since the war has been Adrian, Michigan. I have been in the army as Captain company B, 14th Ohio volunteers, from the commencement of the war up to 1864.

38. On what duty were you while you were in the army?

In the first of the war, I was in command of my company for fourteen months. After that, I was with Major General Thomas until the siege of Vicksburg; after that I was with General Loan.

39. In what capacity?

I was provost marshal under General Thomas and aid to General Loan. Since that time I have been at Chattanooga, Tennessee, on the military railroad.

40. Have you any knowledge of the manner in which trade is carried on with the rebellious States?

Yes, sir; I have been intimately connected with the matter during the war, especially while I was provost marshal, I had a great deal to do with it.

41. Do you know of any transactions connected with such trade?

I could not speak of particular transactions. As a general rule, I could give you the results of my experience.

42. Please give to the committee the results of your knowledge derived from your experience in the service?

My own judgment from my experience is, that as the trade has been carried on, it has proved detrimental to the interests of the government and detrimental to the success of our arms.

43. In what manner has it been detrimental to the interests of the government and to the success of our arms?

By granting permits to individuals to go inside the enemy's lines and sell goods and bring out cotton.

44. Do you know of any such permits having been given to any persons, and if so, to whom?

I have seen the permits themselves, and have known parties pass inside the enemy's lines on them.

45. Please state the names of such parties and the times when such trade has been carried on?

There are quite a number of parties at Memphis. I mention the firm of W. J. Keen & Co.

46. Who compose the firm and where do they reside?

I do not know who compose the firm. They reside at Memphis, Tenn.

47. To what extent were they engaged in trade with the rebellious States?

I should suppose very heavily. I only know what I have heard. I know of their getting out a great deal of cotton.

48. What did they give in return for the cotton they brought out?

I suppose a general assortment of goods. Whatever was most needed by the parties they got their cotton from.

49. What would a general assortment consist of, for the most part?

Cotton cloth, boots and shoes, clothing, and perhaps luxuries of almost every description.

50. Do you know of any goods contraband of war having been taken into the rebel lines?

I do not. They have not been taken in on permits from the government, of course. Parties have endeavored to smuggle them in without permits.

51. To what extent do you think, from your knowledge of the trade that has been carried on, have the articles of boots and shoes, clothing, and other articles useful to the rebel army, gone through the rebel lines?

To a very great extent, I suppose ; not clothing intended for the rebel army, but which finds its way there because its necessities are greater than those of the citizens.

52. Have you been stationed at Memphis at any time ?

Two years ago this winter, I was stationed there for about six weeks during the winter. In the summer I was for about six or seven months with General Grant's army before Vicksburg, down to the fall of Vicksburg.

53. From the best of your knowledge and belief derived from your service in that country, to what extent has this trade been carried on ?

To a very great extent. I could not approximate at all to the amount in dollars and cents. Most of the cotton coming from the south through the Mississippi valley has been obtained for goods or has been stolen from rebel owners.

By Mr. Ward :

54. Have you any knowledge as to the manner of the removal of this cotton ?

I suppose, in a great many cases, in this way : a man is acquainted in some locality in the south ; he goes down there and finds these parties who are willing to take their cotton to a place for getting it within the federal lines to deliver it ; they usually bring it to some convenient place on the river, sufficiently concealed to be out of the reach of the gunboats, so that they will not capture it for the government. They then represent to the government agents that they own a certain quantity of cotton in the south, and get permits to go there and bring it out. These obtained, they take down goods and bring the cotton out.

55. Do not the troops sometimes aid in bringing out the cotton after it reaches our lines ?

Yes, sir. I have known a great many instances where our troops have seized the cotton and turned it over to the government ; I have known other cases where they have been used to assist individuals in bringing out their cotton.

56. Do you know of any instances where officers have received considerations for rendering such services ?

I do not.

57. But the army has been used nevertheless, to aid private individuals in their speculations ?

Yes, sir ; in many instances generals in command, considering the great need there was for cotton in the country, have allowed their troops to be so used.

58. Have you seized and turned over cotton to the government ; and if so, in what quantity ?

I suppose I have seized and turned over between six and seven thousand bales of cotton to the government.

59. Do you know of the proceeds of the sale of this cotton having been realized by the government ?

I do not. I know of many individual instances where the cotton so seized and turned over has been claimed by speculators and eventually released to them.

60. When you seize cotton, what is the usual way of turning it over to the government ?

I usually turned it over to the quartermaster at the headquarters where I belonged. My business was to forage for the army, and where I would find a lot of cotton I would take it and turn it over with cattle, mules, or anything I might have captured. I generally turned it over to the post quartermaster.

61. Will you mention any of the posts where you so turned over cotton ?

I will mention Lake Providence, at that time the headquarters of the 17th army corps.

62. Do you remember any other points ?

I delivered a good deal of it direct to Memphis.

63. Do you remember the names of any of the quartermasters to whom you turned over cotton ?

I will mention Captain John G. Klinck, who was chief quartermaster under General McPherson. From his hands it would go to the quartermaster at Memphis, where parties would appear and make their claims for it. If loyalty and ownership was proven satisfactorily, it would generally be released on the parties paying the expense incurred by the government.

64. Do you recollect the names of any quartermasters to whom you turned over cotton ?

I recollect Captain Williams. It was a systematic course in all the corps. It would first be turned over to the division quartermaster, he receipting for it, then to the corps quartermaster, who would in turn receipt for it, and would turn it over to the post quartermaster at Memphis. Now, the system is entirely different ; now, the cotton goes directly to the Treasury Department, which, through its agents, takes charge of it. The quartermasters have very little to do with it, except when it is seized directly in the front of the army.

By the chairman:

65 Do you know of any other transactions of this nature of which you can speak?

I have known of hundreds of these cases, but they are all alike.

66. Would you have the committee to understand that, in your judgment, the whole course of this trade has been injurious to the public service and demoralizing to the army?

I think it has. It creates a system of abuses; it encourages a large number of army followers, who watch their opportunity to make money.

67. Does that desire extend no further than to the army followers? Does it extend to the army itself sometimes?

I have no doubt it does.

68. I understand you to say that you have been engaged on the United States military railroads. Did you ever know cotton to be brought out by military railroad?

Yes, constantly, under permits from the general commanding, and from the Treasury Department. General Thomas, however, in the last six or eight months, would not allow it to be brought over the military railroad. If they brought it out, they had to bring it by wagon. From the time the army started from Chattanooga until it reached Atlanta no cotton whatever was allowed to be brought on the railroad.

By Mr. Ward :

69. You cannot mention particular instances, as I understand you; you only speak of general impressions?

That is all. For instance Tuscumbia, Florence, or Corinth is captured. You allow half a dozen of these people to go there and take goods to the amount of so many thousand dollars' worth a month. When they get there, and the country is open, they will go just as much further as the people choose to take them.

70. Who are these permits granted by?

By the Treasury Department, under a law passed giving them the right to regulate this trade.

TUESDAY, *January 31, 1865.*

Members present :

Representatives.

Mr. WASHBURN, chairman ;
WARD,
LONGYEAR.

Representatives.

Mr. ELIOT,
PERRY,

J. H. MADDOX called, sworn, and examined.

By the chairman :

71. Please state your residence?

I am residing in Baltimore now.

72. What is your business?

Up to within the last four months I have been a farmer; I am doing nothing now.

73. What has been your occupation during the last four years?

Farming, sir.

74. Entirely?

Yes, sir.

75. Have you, since the breaking out of the rebellion, been in trade with States in the rebellion?

Yes, sir.

76. Please state what you know about trade being carried on by any persons, with permits or contracts with the government?

I know of no trade carried on with permit. I saw an application of that kind to General Butler for a permit to trade in North Carolina and Virginia, indorsed by General Butler.

77. Given to whom?

The application was made by N. T. Spear, and on the back of the application was an endorsement by General Butler, in which he speaks of the enterprize as a laudable one.

78. What was the enterprize?

It was to take merchandise into the States of Virginia and North Carolina, and exchange them for tobacco, cotton, turpentine, and other articles. I have a copy of it, made by a notary.

79. Can you produce that copy?

I will send it to the committee.

80. How came you in possession of it?

I have several permits from the government to bring out tobacco, but under the law I am not permitted to take anything in until I had brought something out; but the authorities at Richmond would not permit anything to come out until its equivalent in other articles had been brought in. I had a large quantity of tobacco there which I had bought while I was in Richmond, and which I was desirous of bringing out. This party said he could furnish me with the necessary permit to take in produce or merchandise so that I could commence trade, and bring out my tobacco.

81. Did he furnish you with a permit?

No, sir, he did not. I furnished the invoices and he started to see General Butler, but for some reason the permit was not obtained.

82. For what reason?

I think he (Spear) was not satisfied with the bargain he had made with me.

83. What bargain?

By which I was to pay him so much money

84. How much money were you to give him for the permit?

Ten thousand dollars.

85. Did you pay him any money?

No, sir; there is where we split. I told him that I would not pay him any money until he had complied with his agreement; he wanted the money down.

86. For what amounts were these permits?

The first invoice was between six and ten thousand dollars, in United States currency.

87. Then, that was to be the first of a series of adventures?

Yes, sir. I had a contract with him, which, I think, was to end on the first of April.

88. Have you that contract; and if so, will you present it to the committee?

I haven't it with me. I think I have it somewhere, and if I find it, I will bring it to the committee.

By Mr. Eliot:

89. Have you made any other agreements besides the ones you made with Mr. Spear?

Yes, sir. I had a contract with parties, under government permits given in accordance with law. I have been urging upon the department for the last two years and a half the propriety of granting permits sufficiently guarded to trade in this manner. I think it would be very advantageous for the government to do so; the permits, of course, to be only in the hands of loyal parties.

90. Did I understand you to say that you were to give ten thousand dollars for these permits from Mr. Spear?

Yes, sir. I did not care for General Butler's permit, after the first introduction of the merchandise, because, under the ordinary government permits, having once started the trade and brought out cotton or tobacco, I would be permitted to carry back, upon the second venture, merchandise to the amount of one-third the gross proceeds of the products brought out.

91. That, you say, was last July. How did it become necessary for you to make contracts to pay money, when acting under the direction of the government, or for the government?

When I was acting for the government I made no contracts at all; I was taken on a government transport and landed on the Virginia shore.

92. Then, this business transaction you had with Mr. Spear was on private account?

Yes; this was since I have given up going for the government. I obtained a permit from the proper authority to trade with the south; that is, in the products of the south.

93. On your own account?

Yes, sir; and the reason why I wanted this special permit to take in merchandise was, that they will not allow anything to be taken out until something has been carried in.

94. How many times have you had transactions of this description since you ceased acting for the government?

I have had none except under the direction of the government. While I was acting under the direction of the government, I purchased a large quantity of tobacco. I was inside the rebel lines for nearly twelve months, and purchased this tobacco at that time. I had the privilege of bringing it out, but I addressed a letter to the War Department for the proper papers to pass the flotilla; I did not get these papers. The party who took the letter, instead of taking it to the War Department, gave it to General Hincks, at Point Lookout, who sent over there and seized my tobacco. He used a good deal of it. The Secretary of War released the tobacco immediately—what there was left of it.

95. Where was that tobacco?

It was in Westmoreland county, Virginia.

96. Within the rebel lines at the time?

You might say it was neutral ground; it was on the northern neck, this side the Rappahannock. The federal troops have nearly all the time held possession of that strip.

97. How did you come by the tobacco?

I had money and laid it out in tobacco. I was permitted, when I went to Richmond, to trade. I had property down there which I sold and invested the proceeds in tobacco. I was in Richmond before the battle of Chancellorsville, and shortly before that battle returned again and remained eight or ten months.

(Witness was directed to again come before the committee some day this week, and bring with him all papers and memoranda, relative to the trade with the rebellious States, in his possession.)

JOHN R. WINSLOW called, sworn, and examined.

By the chairman:

98. Please state your residence and business.

I reside in Baltimore; I am a physician.

99. How long have you resided in Baltimore?

I have been there 13 years.

100. What State are you a native of?

I am a native of North Carolina, where I resided until I came to Baltimore.

101. What part of North Carolina?

The eastern end of the State, about 70 miles south of Norfolk.

102. What county?

Perquimons county, near the town of Edenton.

103. Will you state to the committee if you have any knowledge of the trade which has been carried on with the rebel States since the breaking out of the rebellion; if so, be good enough to state fully and particularly all the facts and circumstances connected with such trade, the parties by whom it was carried on, when, to what extent, and by whose authority?

I have been down to my old home to visit my father and brother twice during the war. I was at my old residence by permission of our authorities, to visit my relations in 1862, and again in 1863. When I was first there, there was little or no contraband trade carried on. In fact there was very little trade at that time, with Norfolk, permitted. Three or four months afterward, in the early part of 1863, I was again sent for to see my brother, who was ill. There was then a good deal of contraband trade carried on. I was anxious to get out from Norfolk to see my brother. I found a good many of my old neighbors, with streams of carts and wagons, at Norfolk, going out, but I was unable to employ any of them even to let me ride out. I did get one man who was a connexion of mine to permit me to ride with him. I suppose there were twenty or more of those carts or wagons in that stream or caravan which went out as we did from Norfolk, and they were all heavily loaded with merchandise, which went straight to the rebel lines.

104. State what kind of merchandise these carts were loaded with.

There was a good deal of it I knew nothing about. They had groceries. There was one article I noticed a large quantity of, this concentrated lye, very extensively used to make soap of. They carried groceries, provisions, and hardware—so far as I knew what they carried. I did not ascertain what a good many of them were loaded with. That was their character—general supplies. There were no arms or ammunition or anything of that kind that I am aware of. I learned on the way that a good many of them went without unloading straight to the river Chowan, which was considered the boundary line, and passed directly across. When I came back to Norfolk, I went to General Viele, then in command at Norfolk, and reported these facts to him. I told him there was a good deal of contraband trade being carried on, and I gave him all the information I could procure bearing on that subject. I do not know with what effect, for he was removed not very long after. Salt was another article which was carried in those trains. They told me in that region that there was one or more stores in Norfolk which it was claimed (I do not know anything about that) many of the authorities were interested in, and at which they could always obtain permission to buy these articles, paying for them more than was asked at other stores, but it was with very great difficulty, if at all, that permission could be obtained to buy at the other stores.

105. How was that accounted for?

It was supposed there was some sort of collusion between this store or these stores and the military authorities.

106. Do you know the names of any of the parties who kept these stores?

No, sir; I did not have any direct transactions with them. Perhaps I may remember before I get through, a man from Edenton who was a partner or upper clerk in this establishment at Norfolk.

107. These transactions of which you are speaking refer back to 1862, do they?

To the early part of 1863, about two years ago.

108. What further do you know in reference to the trade with the rebellious States?

I have not been through that section of the country since, but I have been at Norfolk several times. I was there about two months ago, and met several of my old neighbors and acquaintances from North Carolina, including a brother and some other connexions of mine. They told me there was a good deal of unlawful trade being carried on with that section of the country, and a good deal of it through these supply stores located about in different sections of that country. The main buying place was at Coan Jock, Currituck county, North Carolina, near the point where the North river empties into the Albemarle sound. I was informed that there was stationed there some artillery and cavalry to protect the place.

109. Is that within the rebel lines?

No, there are six counties there cut off by the Chowan river and the Albermarle sound. These six counties, so isolated and sparsely populated as to make it hardly worth while to occupy them by any considerable military force, are where these stores are mostly located, Coan Jock being the great distributing centre. I was talking with a man this very day from that section and county, and knowing that I was to appear before this committee on this subject, I inquired more particularly about it. He told me of a large establishment there, of which Charles Poole was the ostensible owner, but in reality only a clerk, which distributed monthly many thousand dollars worth of goods. They had, I think he said, at one time, a stock of over \$60,000 worth of goods of all sorts, including, groceries, provisions, and even bacon, almost anything you would choose to name except ammunition; I never heard of any of that being there. I was told that the real owners of this establishment shared their gains with the military officers. There was a Lieutenant Johnson who, I think this man said, commanded there, and a Lieutenant Bird at Norfolk, I think he said. This Lieutenant Johnson, I think, has recently resigned his position in the army. He said it was a well understood fact all through that section of country that these men could get what supplies they wanted from Norfolk. They charged twenty-five per cent. profit on their cost at their door, and they would deliver them to any persons whatsoever, who would give them their twenty-five per cent. profit.

110. Did you understand that these wagons you speak of obtained their supplies at this store?

No. I am speaking of what occurred two months ago and is occurring now, so far as I am informed. A very large part of these goods go from there straight across into the rebel lines, without ever being taken out of the boxes or bales in which they are sent from Norfolk.

111. Do you know a man by the name of J. C. Jones, who has a store there?

I do not. There are several partners in the establishment.

112. Do you know what name the establishment goes by? What is the name of the firm?

I do not.

113. Was Lieutenant Johnson a member of the firm?

He was commander of the post. He was not ostensibly known in connexion with the firm at all. There were several men who had made a bargain with this firm to procure their goods, and did procure a large amount from Norfolk about two months ago. They were to be carried to Coan Jock, where they were to pay this establishment twenty-five per cent. profit, and then were to be allowed to take them in bulk to South Mills, on the dismal swamp canal; I do not know the amount, but there were several thousand dollars worth of them. When they got to Coan Jock they had a misunderstanding with Lieutenant Johnson, who demanded that they should pay him fifty per cent. of their profits for himself and the other military officers whom he represented—he was the only one who appeared in the transaction. They had quite a dispute about the matter. They told him it was well understood that they were to pay him twenty-five per cent. of their profits. He told him that fifty per cent. was his understanding, and that he would have it.

114. Was South mills within the rebel lines?

No sir, it is in that strip of country comprised in the six counties I mentioned, cut off by the Chowan river and Albermarle sound, but packages were allowed to be carried from there, without breaking them at all, into the rebel lines. The reason why I took pains to ascertain so particularly in reference to these matters was, that I thought the government ought to know it. When I was there two years ago, dry goods and groceries were being sent out in considerable quantities, but my friend told me they were now sending out from Norfolk considerable pork and bacon, which was exclusively for rebel consumption. These six

counties are a pork and bacon producing country. They produce there a good deal more of these articles than they require for their own use. These articles, therefore, sent out to the supply stores, went straight through the rebel lines for the use of the rebel army, and, as I am informed, there is a very considerable traffic of this description going on.

115. Is that traffic still being carried on?

It was two months ago, and this man whom I met to-day told me that he left there only a month ago, and that it was still being carried on then.

116. Under whose authority is this traffic being carried on?

I do not know whether it is under the authority of the treasury agent at Norfolk, or the military authorities there, or both. These men are allowed to establish supply stores in this, so to speak, neutral country, nominally to supply the people of that region, but really a large part of the goods allowed to go to them, and, I might say, all the provisions, go straight within the rebel lines, and in return they get a great deal of cotton and tobacco, especially cotton. There ought not to come into Norfolk, as far as I could learn, and I have lived a good deal in that region, more than from fifty to a hundred bales of cotton altogether. There is very little cotton raised in that vicinity, and what is produced is used chiefly by the families for spinning for their own clothing. Nearly all the cotton brought there therefore comes from within the rebel lines, and is exchanged for pork and bacon, for the rebel regulations are very stringent, that no cotton shall go outside their lines unless exchanged for articles of their own consumption, and the articles they mostly receive for supplies for their army in exchange for the cotton sent out are pork and bacon. They have a regulation by which their cotton is allowed to be brought to the Chowan river, and there they are allowed to exchange it for pork and bacon, pound for pound. Sometimes they pay as much as a pound and a quarter of cotton for a pound of bacon. That cotton comes into these six counties and sometimes goes round by water, sometimes comes to Norfolk through the Dismal Swamp canal, and sometimes is carried over land, but usually goes by water.

117. Can you give us an idea of how much cotton finds its way to Norfolk in this way?

I cannot; but a considerable quantity. I know of one lot of 10,000 pounds brought there in December last. That, however, was cotton raised in the neighborhood of Edenton, and which was there some two years ago, when I was there. But a large amount of cotton finds its way there which has been exchanged for provisions, and in many instances for horses. There are quite a number of horses which find their way to Norfolk from Baltimore, and then persons at Norfolk take them out on one pretence or another.

118. What is the difficulty in taking goods from one of the supply stores you have named into the rebel lines?

None whatever, except what the rebels interpose. There are no federal soldiers, nor any thing whatever, intervening to prevent their going into the rebel lines.

119. Then, by a sort of mutual understanding between the two armies, this is neutral ground?

Yes, sir; it is practically so, because this strip of country running from the Dismal swamp, some eighty miles long, separated by the Albermarle sound and the Chowan river, does not present military advantages enough to make it worth while to station troops there in sufficiently large numbers to guard it.

120. How many soldiers do you understand are stationed at Coan Jock?

I do not know. This acquaintance of mine told me there were some cavalry and a park of artillery stationed there, by which I suppose he meant two or three guns. This Currituck county has been much infested by guerillas, and we captured quite a number there recently. I have been told by several parties, and I have no doubt it is true, that Dr. E. C. Robinson, a dentist, has been a great negotiator between the military authorities there and these speculators who carry goods out and transfer them. He could always get permission to bring goods into the department, for instance, from Baltimore, or further north, and it was generally understood that if any of these men wanted favors, as they called them, from the military authorities, his aid was essential in obtaining them. It was thought very strange. He was an old rebel—an old democratic rebel to begin with—a fire-eater. Very shortly after our authorities got possession of Norfolk, he was very intimate at headquarters, it was said, with some of the officials there. There was one thing very certain, he could get favors where other people could not. In fact, when I was there two years ago, it was the general complaint with the people of these six counties, a large portion of whom were Union people, quakers and the descendants of quakers, who, so far as I know them, have always been Union men, that the rankest rebels could get favors at Norfolk with a great deal more facility than loyal men, for they never pretended loyalty, nor made any claim upon any such grounds, but went to work in some other way to obtain what they wanted. I recollect one instance when I was there of a loyal man, whose life had been frequently threatened because of his loyalty, trying for many months to get permission to go into Norfolk, to

purchase a few supplies for his family, for they could not get into Norfolk at all without permission, but he could not obtain it and that was the case with a good many others, while many who were rebels could go and come freely. I recollect one man who got permission to carry out \$7,000 or \$8,000 worth of goods, the man who brought this cotton, his name is Winslow. He is a distant relative of mine. He told me that a great many people were engaged in illicit traffic, getting supplies of salt, pork and bacon, and other articles, carrying them down to the Chowan river, delivering them to the rebels, and getting cotton from them, which cotton they would, after a while, get into Norfolk.

121. From your observation, what did you judge the effect of this trade to be upon our cause?

I said to this man, as I have said to my friends, a good many of them, that if I had had the management of this thing I would have shut up Norfolk close after I took possession of it, I would not have allowed any trade whatever, because the result would be, as it has been, that it has operated almost altogether for the benefit of the rebels. I have thought before of reporting these facts, but I supposed I might get myself into difficulty by doing so. Until Fort Fisher was taken, there was less need of stringency in respect to the Norfolk trade, for the amount of supplies received through Wilmington was perfectly enormous; but I knew that as soon as that was taken, creating a larger necessity for these supplies, this traffic would be stimulated tenfold. There is another thing I wish to mention. This Francis Winslow, of whom I have spoken, who had this cotton at Norfolk, told me he conversed with Dr Robinson early in December last, who said that he had just returned from the interior of North Carolina; that he had been across the lines, I think as far as Raleigh, and that he saw numbers of men there from Norfolk, engaged in trafficking and making bargains for the exchange of cotton and tobacco, for supplies to come through the rebel lines by way of Norfolk.

By Mr. Elliot:

122. How many of these supply stores, to your knowledge, are there in these six counties?

I only know personally of two or three. There is one at Coan Jock, which is the great headquarters of supply. There is another at South Mills on the Dismal Swamp canal there was another one eight miles from Portsmouth, opposite Norfolk, at a place called Bowe's Hill. I was told, however, that others were going to be established.

123. Can you name parties connected with them further than you have already done?

I recollect the first name of one at South Mills was Logan, but I cannot call to mind what his last name was. He was a man, who, when the rebels had possession of North Carolina, was their principal agent in taking horses from the people. When I was there he had just taken from some of my friends a number of their most valuable horses, giving them some sort of statement that they would be paid by the rebel government, but which has never been done. That man is one of the principal owners of one of these stores.

124. Have you any knowledge, except what you have heard, of the manner in which these stores were established, or are now conducted?

I was told that the owners obtained licenses or permission, from either the Treasury Department or military authorities, or both, at Norfolk. Yet some of my neighbors told me, not two months ago, that permission to obtain supplies, shoes, &c., for their families in Norfolk, was refused, and they were told if they wanted to buy, to go to the supply stores. They said they could get what they wanted at the supply stores, but that they were never charged less than a hundred per cent. above the cost in Norfolk, and more generally two hundred per cent., or even more than that.

125. Have you any other facts you now recollect having a bearing upon this investigation?

I do not know that I have of my own knowledge.

126. Is there any party, except Dr. Robinson, that you now recollect, who would be likely to have definite information upon this subject?

There was a man by the name of John P. Jordan, who was a good deal connected with this traffic, but he has run off into the rebel lines, I am told. They had him a prisoner at Norfolk at one time, and his brother is a prisoner there now. His brother was an agent of the rebel government for buying supplies, provisions, &c.; my old neighbors told me that, some months ago, there was a pretended investigation made at Norfolk, by the military authorities, into this traffic, but that they so managed it as to get no information that would throw any true light upon the subject. This man, Arthur Smith Jordan, who was at one time an officer in the rebel army, was originally appointed their agent to obtain supplies and forward them to the rebel government, especially in pork and bacon; he was, among others, summoned there to Norfolk, when this investigation was made. They sent a force down and pretended to arrest him, but he received information of it, and secreted himself. He

is a man, I believe, conscientious; a strong Methodist; I would believe what he says; and I understand that he told some most unwelcome truths to those conducting this investigation, and although they obtained his presence there, by assuring him of a safe conduct back again, yet, for some reason he was thrown into prison, and was there confined the last I heard of him

127. When was this investigation you speak of made?

I do not know exactly; they told me it was some months ago; I judge it was in the latter part of the summer, or early part of the fall of 1864.

128. Do you know the names of any of the officers who conducted this board of inquiry?

I do not know any of them. While down there, the communications I had with my friends satisfied me beyond a doubt that the government ought not to allow any traffic whatever with Norfolk, unless it be by individuals to obtain supplies for their families; for whenever goods are allowed to be carried out in any quantity for sale, the rebels are sure to obtain the greatest portion of them, for they are willing to pay larger prices than the people of the neighborhood, for whom they are allowed to be taken out.

WILLIAM H. MARSTON called, sworn, and examined.

By the chairman:

129. Please state your residence and business.

I reside in the city of New York. I am a banker and broker.

130. Have you been engaged in any trade with the rebellious States since the breaking out of the rebellion, either by contract, permit, or otherwise; and if so, at what time, with whom engaged, and what was the extent of it?

The first thing I ever had was a sutler's permit to trade at Paducah, just after that town was captured. That, however, was not in my name; it was in the name of Mr. Chase. I have not had any permits in my own name to trade in any manner, form, or shape. A friend of mine has.

131. Who is your friend?

C. D. Chase. He had a permit to buy some cotton, and I told him I would furnish him the money he required for the purchase, but he has not called on me for it.

132. Was the permit for Mr. Chase's own benefit, or for the benefit of other persons?

For his own benefit, I believe. I told him I would furnish the money.

133. Do you expect to have any interest in the proceeds?

Of course; when I furnish money I expect to have pay for the use of it.

134. Have you any agreement or contract to that effect?

No, sir.

135. Have you that contract or permit with you?

I have not.

136. Have you seen it?

I have.

137. What is it for?

It is for 10,000 bales of cotton.

138. To be obtained where?

I think in the States of North Carolina, South Carolina, Georgia, and Florida.

139. Upon what papers did he get that contract?

I do not know. He obtained the permit himself.

140. From whom?

Perhaps some of his friends got it for him; I cannot tell.

141. Have you been engaged in, or do you know anything about any other transaction connected with the trade with the rebellious States?

I do not. Mr. Chase was at Memphis soon after that place was captured, and had some permits, on which he thought he could buy some cotton; but he did not. I sent him some money for that purpose.

142. Was he engaged in purchasing tobacco at Fredericksburg?

He went to Fredericksburg to look at some tobacco; he did not buy it.

143. Did he make no purchases while down there?

I believe not; no, sir.

144. Do I understand you to say that you have no interest in and no knowledge of the trade carried on with the rebellious States, since the breaking out of the rebellion, other than what you have stated?

I have no other interest or knowledge.

By Mr. Ward :

145. You speak of a contract or permit. Could you, from your knowledge of that agreement, state from whom this cotton was to be purchased, or through what channel it was to be obtained?

I do not think the permit states.

146. Do you know through what source or influence these permits were obtained?

I do not. Mr. Chase has been in Washington a good deal, and has a good many friends here.

147. Do you say that you had no agreement or arrangement as to what portion of the profits of the transaction you were to have?

None whatever. We have done a great deal of business together, and it has always been without any specific agreement.

THOMAS J. CONATTY called, sworn, and examined.

By the chairman :

148. Please state your residence and business.

My present residence is Baltimore. My business for the last two years, up to January, 1865, was clerk in the Treasury Department

149. In what bureau in the Treasury Department?

I was on the rolls of the Secretary's office, engaged with Mr. Risley.

150. What was Mr. Risley's business?

He was supervising special agent; that is, he supervised the trade with a certain portion of the insurrectionary States—in Virginia, and eight counties, I believe, in the north-eastern part of North Carolina.

151. When did you leave the department?

My resignation took effect on the 1st of January, 1865.

152. What business have you since been engaged in?

I designed to engage in the purchase of cotton.

153. Have you a permit or contract to buy cotton?

I have a contract with Mr. Risley.

154. Have you it with you?

I have. It is in the usual form.

(Witness exhibited to the committee the following contract :)

“Memorandum of agreement, made November 17, 1864, between H. A. Risley, agent authorized to purchase for the United States products of States declared in insurrection of one part, and Messrs. Moore, Conatty & Co. of the other part.

“The said Moore, Conatty & Co. agree to sell to the United States fifty (50) thousand bales of cotton, product of the States of Arkansas, Louisiana, Texas, and Mississippi, to be transported by way of the Mississippi river and its tributaries, and delivered to O. N. Cutler, agent for the purchase of products of insurrectionary States at New Orleans, to be by him sold there, or shipped to New York and sold there, at public auction, under the same conditions as other sales of like public property are made, all expenses, costs, and charges connected with the purchase, storage, transportation, and sale of said cotton, together with the internal revenue tax and permit fees, prescribed by regulations, to be first paid, and the net proceeds over and above said expenses, costs, charges, taxes, and fees to be disposed of as follows :

“One fourth part thereof to be retained for the United States, and three-fourths to be paid to the said Moore, Conatty & Co., or their legal representations.

“And it is further agreed between the parties that all cotton transported under this contract shall be consigned to said Cutler, agent as aforesaid, and shall be shipped on a government transport, or, if not so shipped, shall be in immediate charge of an agent, to be appointed by said Cutler, whose compensation and expenses shall be paid by said Moore, Conatty & Co.

“Nothing in this contract contained shall be construed as incurring any liability on behalf of the United States.

“H. A. RISLEY,

“*Sup. Spec. Agt., Tr. Dpt., authorized to purchase products, &c.*

“D. P. MOORE,

“T. J. CONALTY,

“WM. HELMICK.”

155. What is this contract founded upon?

Upon application made to Mr. Risley.

156. And that application was granted?

Yes, sir.

157. Where is it?

I suppose it is in the department, filed with Mr. Risley.

158. Did not Mr. Risley, in this case, when you made your application, give you a statement that you were authorized to go into the rebel States?

He gave a certificate based on the contract.

159. Is the certificate based on that, or is the contract based on the certificate?

The certificate is based on the contract.

160. Where is that certificate?

I have it here.

(Witness exhibited to the committee the following certificate :)

"J. Hanson A. Risley, agent for the purchase of products of insurrectionary States, on behalf of the United States, do hereby certify that I have agreed to purchase from Moore, Conatty & Co. fifty (50) thousand bales of cotton, the product of the States of Arkansas, Mississippi, Louisiana, and Texas, which cotton, it is represented, will be at points on the Mississippi river or its tributaries, on or before the first day of May, 1865, and which the said Moore, Conatty & Co. stipulate shall be delivered to O. N. Cutler, agent for the purchase of products of insurrectionary States, at New Orleans, unless prevented from so doing by the authority of the United States

"I therefore request safe conduct for the said Moore, Conatty & Co., their agents, transports, and means of transportation, and said cotton from the points where situated, on or within the lines of military occupation by the United States forces to New Orleans, Louisiana, where the cotton so transported shall be delivered to said Cutler under the stipulation referred to above, and pursuant to regulations aforescribed by the Secretary of the Treasury.

"H. A. RISLEY,

"Superintending special agent Treasury Department, authorized to purchase products.

"November 17, 1864."

"EXECUTIVE MANSION, November 17, 1864.

"An authorized agent of the Treasury Department having, with the approval of the Secretary of the Treasury, contracted for the cotton above-mentioned, and the parties having agreed to sell and deliver the same to such agent,

"It is ordered that the cotton, moving in compliance with and for fulfilment of said contract, and being transported to said agent, or under his direction, shall be free from seizure or detention by any officer of the government; and commandants of military departments, districts, posts, and detachments, naval stations, gunboats, flotillas, and fleets, will observe this order, and give the said Moore, Conatty & Co., their agents, transports, and means of transportation, free and unobstructed passage, for the purpose of getting said cotton, or any part thereof, through the lines, and safe conduct within our lines while the same is moving, in compliance with regulations of the Secretary of the Treasury, and for fulfilment of said contract with the agent of the government.

"ABRAHAM LINCOLN."

161. This contract purports to be made on the 17th day of November, 1864.

It was made then.

162. What was the amount of cotton named in the contract as originally made?

15,000 bales.

163. How does it then appear to be 50,000 here?

I changed it by consent of Mr. Risley; there seemed to be no limit to the amount that might not properly be included.

164. Did you change it by consent of the President?

I do not know if the President saw it or not.

165. When was this change made, and under what circumstances?

I got the consent of Mr. Risley to change it, and did change it with his consent.

166. Did you give any reason for desiring the change to be made?

I wanted it enlarged. I could make a contract with a gentleman in Louisiana to take out 25,000 bales. I did not want to surrender the whole permit.

167. When was this change made?

In the latter part of December last.

168. Were there any other reasons for which you desired the alteration made?

No; that was the only one.

169. Did you have any conversation with any party or parties in relation to this change in respect to forming a company or anything of that sort?

No; the company was formed before the original contract was made.

170. Was there any other company formed than the one mentioned in the contract?

No, sir.

171. Have your company united with any other company or any other individuals?

They have not.

172. There is no understanding or agreement with any others?

None whatever.

173. Who are the parties mentioned with you in this contract and certificate?

D. P. Moore is one, and William Helmick the other.

174. Who is D. P. Moore?

175. I do not know much about him; I understand he has been government contractor for the last two or three years. He was introduced to me by William Helmick, who was chief clerk in the Pension Office until recently, and formerly a member of Congress. He introduced Mr. Moore as a man of means, who would furnish capital for this enterprise.

175. Had you any other knowledge of him?

No, sir; I had not; I took his indorsement.

176. Did Mr. Moore make a certificate that he had this amount of cotton in his possession?

No, sir.

177. Did anybody make such a certificate?

No, sir.

178. Do not the regulations require that?

That depends upon the interpretation you put on the regulations.

179. You are employed, you say, in the Treasury Department, under Mr. Risley—particularly in this certificate and contract department?

Yes, sir.

180. Are these certificates in your own handwriting?

They are.

181. When were the words "or its tributaries" put in there?

They were put in at the same time the other change was made; they were originally intended to be put in, and were subsequently inserted to conform with the original contract.

182. And you say this change was made when the certificate was altered?

Yes, sir; it was made at the same time as the other change, to conform with the contract.

183. Was that done by Mr. Risley's consent?

Yes, sir.

184. You say that it is not necessary, under the regulations, that the persons making the application should set forth that he owns or controls cotton in the insurrectionary districts?

The understanding is this: Mr. Risley supposed the object of the law was to get cotton. I do not know that I understood Mr. R. correctly, but I will state my belief of the theory on which he has acted. I believe his object was in good faith to carry out the law. Where parties came to him of whom he had personal knowledge, or of whom he had satisfactory evidence of loyalty—proper persons—applied to him for permission to take out a certain amount of cotton, and there was no limit fixed to the amount, he granted permits to them of that kind.

186. What does this 8th article of the treasury regulation mean which reads, "Whenever any person shall make application to the purchasing agent in writing, setting forth that he owns or controls produce, stating the kind, quality, and location thereof," &c., he shall "give a certificate that the application has been made, and request safe conduct," &c., is not the certificate given under that article?

It is.

187. Does not that article require that there shall be a statement by some party setting forth the facts on which the permit is desired?

Yes; but not necessarily in writing in his application.

188. Then why was this certificate granted in the absence of this application.

I do not know.

189. Were not you and Mr. Risley familiar with these regulations?

Yes; he, however, put a certain interpretation upon the word "control," and where the party in good faith contracted to bring the cotton out, he considered that sufficient.

190. Did he put such an interpretation upon the word "control" so as not to require an application to be made in writing?

Application had not always been made in writing, as Mr. Risley considered this contract

in some instances, as obviating the necessity of an application in writing. I believe there is no agent except Mr. Risley who requires the contract to be executed. I am not aware at least, of such a practice on the part of the other agents. Mr. Risley considered this contract more binding than written applications, and he substituted this for them.

191. Has it not been the usual course of Mr. Risley to require the provisions of that article to be complied with?

He has, as he understood them.

192. Has he not understood them that application should be made in writing?

He has not always.

193. What is the reason of his requiring it in one instance, and not in another?

Where parties have brought an application it has been received, but he has not exacted such application in every instance; what he has considered most important is that a contract should be made and properly executed, and being so executed he has considered it as entitling him to a certificate; the contract always preceded the certificate and was taken by Mr. R. as more binding than a written certificate.

194. Has this contract you have produced been altered here or not?

Altered in amount.

195. Who altered it?

I altered it by authority of Mr. Risley.

By Mr. Eliot:

196. Where were you when it was altered?

I was here in Washington.

By the chairman:

197. Did you alter it with the consent of the other parties?

Yes, sir, they were conversant with the fact.

198. Who is William Helmick, a party to this contract?

Mr. Helmick was, I do not know whether he now is, chief clerk of the pension bureau.

199. Do you know whether he holds that position now or not?

He told me he has resigned.

200. Has it been your business to make out these certificates?

It was; during a greater portion of the time I was in the office; I made a great many of them.

201. How many have you made?

I cannot say now without reference to some memoranda in the department. Perhaps twenty-five, in round numbers.

202. What has been the rule in governing Mr. Risley in issuing the certificates?

He granted them to all proper loyal, good men; there has been no distinction or favoritism shown or political influence required. I must say, without any design to exculpate or excuse Mr. Risley, that he did this in a manner that he believed to be consistent with the laws and the regulations on the subject. He believed the object of the government was to get cotton out from the south, and he believed that the proper mode of accomplishing that object was to grant all reasonable facilities to persons applying, if they were loyal and good men.

203. Where did you expect to get these 50,000 bales of cotton?

In the States named in the contract.

204. Whereabouts in those States?

We expected to get a good deal in Texas, and, to be frank with the committee, although Mr. Risley knew nothing about it, I will say that we intended to secure a certain portion of the cotton in Texas, and let it rest there until the ports of the State were properly opened and then take it out.

WEDNESDAY, February 1, 1865.

Members present:

Representatives.

Mr. WASHBURN, chairman;

ELIOT,

LONGYEAR,

Representatives.

Mr. WARD,

DIXON,

PERRY.

THOMAS J. CONATTY recalled, and examination continued.

By the chairman:

205. You stated, at the close of your examination yesterday, that it was your intention to purchase a quantity of cotton in Texas. How did you expect to get there?

We did not design to go there.

206. Who did design going there?

There was a gentleman with whom we did design to contract to go there.

207. Who was that?

A gentleman by the name of Rogerson.

208. Where did he live?

He lived, I believe, in the City of New Orleans. He was connected with John A. Peale & Co. He came on here to get a permit, but did not succeed.

209. Why didn't he get it?

I do not know whether he made an application for it.

210. If he came on to get a permit, why did he not make an application?

I do not know.

211. How do you know he wanted a permit?

He said so.

212. If he said he wanted it why did he not apply for it?

I do not know.

213. Did he propose to go into the rebel lines?

I do not know.

214. Texas is within the rebel lines, is it not?

I judge so. I presume he designed to pass the lines and procure the cotton; that was our presumption. We had not entirely consummated our plan in connexion with this man.

215. Who was it furnished the money to carry out this plan?

It was Mr. Moore who was to furnish the money to carry it out.

216. Did you furnish any of it?

No, sir.

217. What did you put in the concern against Moore's money?

I was to give my time and services. I got the certificate.

218. Was the certificate you obtained considered a part of the capital stock?

It was; at least so it was they considered it.

219. I understood you to say it was under application in writing made by Moore, stating he has cotton in his control that the permit was issued?

No, sir.

220. Did Moore make his application through you?

We agreed on this matter at the time I was in the office, before my resignation.

221. What first started you in this matter?

I saw a great many men getting these papers; I asked Mr. Risley if I could get one of these permits if I left the office. He said certainly I could; that any good and loyal man could get a permit, and so I determined to resign my office and make application.

222. Do you know of any parties who are in the Treasury Department now who are interested, directly or indirectly, in this matter?

I do not know a single individual in the Treasury Department who has any interest whatever in it, and this I can most deliberately and solemnly testify to.

223. Have you had any talk in reference to it with them?

Not a syllable.

224. Where was this alteration of the contract made?

It was made in Mr. Risley's office, and by the consent of Mr. Risley.

225. Have you been in New York lately?

Yes, sir.

226. At what time?

Three or four times.

227. Were you in New York in the month of January?

I was; in the early part of January.

228. Was not the object of this visit to make arrangements with a fourth party with respect to this alteration?

The alteration was made before there was any talk of admitting a fourth party into the concern at all.

229. Who was the fourth party?

A gentleman in New York.

230. What's his name?

George K. Cook.

231. Who is George K. Cook?

I do not know, any more than I was introduced to him by a son of Commodore Vanderbilt.

232. What led him to be introduced?

I will tell the committee frankly what led to it. Mr. Moore was to furnish the capital at the time this company was formed. I supposed he was to furnish \$1,000, to pay my personal expenses; I found afterwards he did not like to do that. It was necessary for me to have something to pay my expenses and my family's expenses while this thing was going on, and it was for this reason that I proposed to introduce another party, who could furnish this amount of money for that purpose.

233. How much did Cook pay you, anything?

He did not pay anything.

234. How much did he agree to pay?

Two thousand dollars.

235. Did he pay it?

He did not.

236. Why not?

He has not been admitted to the company.

237. Why has he not been admitted?

Because Mr. Moore would not consent to it.

238. Is Mr. Moore a man of large means?

They say he is worth \$150,000. I do not know this; he has been a contractor under the government for three or four years.

239. Where does he live?

In this city.

240. What kind of contractor has he been?

In horses and mules.

241. Were there any consultations in Mr. Risley's room in the Astor House, New York, in regard to this matter.

Not a syllable.

242. Were you in Mr. Risley's room in the Astor House?

I was.

243. Were the other parties in there?

No, sir.

244. At no time?

No, sir.

245. Do you know any other parties in New York interested in these certificates?

I know men in New York who have obtained certificates of this sort. I knew of their being issued while I was in Mr. Risley's office.

246. Who were they issued to?

I know Wilson, Gibson & Co. as one. I do not know the parties themselves; I merely recollect the name of Wilson, Gibson & Co.

247. You say the alteration of these papers took place in Washington?

Yes, sir; by consent of Mr. Risley the alteration was made on the matter being presented to him. A gentleman wanted to make a contract for the whole matter as it was. I did not want the matter to go out of my hands; I wanted the control; the amount of the cotton he said he could control.

248. Who said he could control?

Mr. Rogerson, the agent of John A. Peale.

249. And that was the inducement for you to have the alteration made in the contract?

Originally, it was. I did not know Cook at all in the transaction until some days after this change was made.

250. Have you received any sum or sums, or have any sum or sums of money been promised to be paid to you for your influence in getting such papers?

Not a cent. I received \$700 from William Helmick—borrowed money—for which he has my due bill; but it had nothing to do with this transaction. It was borrowed at the time that both Mr. Helmick and I were in office. I resigned my position in treasury the very day I got this permit signed.

251. Were not these negotiations in regard to the permit made while you were in the office?

They were; but the very moment I found this paper was signed I resigned my office.

252. Do you know a man by the name of Melloone?

I have not heard of him.

253. Do you know that he had certificates granted?

I know that he had; at least, I made one out for him.

254. What was the nature of the permit?

It was a permit, or rather a certificate, for Mr. Risley did not give permits, simply stating

that he had made a contract. It was for cotton, I think, to the best of my belief in North Carolina; a certain number of bales of cotton.

255. Where did Mr. Melloone live?

I do not know anything about him. Mr. Risley gave me the memorandum, and I made out the certificate.

256. Do you know who recommended or introduced him?

Mr. Charles K. Hawks, of New York, was the party who, I think, presented his name to Mr. Risley.

257. Who is Charles K. Hawks?

I do not know anything about it more than that. I know nothing about him at all.

258. Do you know whether Mr. Hawks was interested in the certificate given to Mr. Melloone?

I cannot say anything about that.

259. Was it the ordinary form of permit?

The ordinary form, precisely.

By Mr. Eliot:

260. Do you recollect the amount of cotton named in the certificate?

I am not certain; I think it is 5,000 bales. I could tell certainly by reference to the records of office.

By the chairman:

261. Do you know of a permit being granted to a man by the name of Hall, in New York?

I have no knowledge of any.

262. Do you know of any goods being shipped with a view of entering into trade with the rebel States under these certificates?

I do not; that is entirely a different branch of the business. That is the military branch. It does not properly belong to the Treasury Department. When such permits were given it was an executive proceeding—a military matter entirely—the agent was required to give a certificate when cotton or other products of the rebel States were delivered to him, stating the amount delivered, the price; and the route through which the cotton or other product came. Upon that the commanding officer was required to allow goods to the amount of one-third the sum stated in such certificate to go back in the way of supplies, not contraband of war. There is no provision in the Treasury regulation providing for that, and it did not come under Mr. Risley's proper control at all.

263. Do you know of the Treasury Department having granted a certificate to Lazare, Camp & Brooks?

I made out a certificate to these parties in the ordinary form. I do not know them at all. It was in the ordinary way of business. The memorandum was given me and I made out the papers.

264. Did you ever see the papers afterwards?

I did.

265. Where did you see them?

I saw them in the office of Mr. Haskell.

266. Where

In New York. At the Astor House.

267. What took place?

Mr. Haskell had a conversation with Mr. Risley, who then told me he was authorized by Mr. Risley to erase the name of "Lazare" and insert that of "Lovie."

268. Did Mr. Risley tell you that?

I do not know whether he did or not.

269. Are you in the habit of altering contracts?

No, sir, I am not. I saw Mr. Haskell speaking to Mr. Risley, and I took it for granted it was all right; in fact, I am not certain but that Mr. Risley did tell me so.

270. Are you certain he did?

I am not

271. What were the considerations authorizing Mr. Lovie's name to be substituted for that of Mr. Lazare?

Mr. Lazare was not going into the contract—a new arrangement had been entered into, I believe. I knew nothing about it.

272. Did you note the alteration in the margin of the certificate?

I do not believe I did.

273. How did you make the alteration?

I erased the word "Lazare" and put in "Henri Lovie."

274. Is that all that took place in regard to this matter?

That is all. Mr. Haskell came to me and said Mr. Risley was satisfied the change should be made. He had been talking with Mr. Risley. As I said, I may have consulted Mr. Risley myself, as I probably ought to have done.

275. But you do not think you did?

I am not positive.

276. Would you not have been likely to be positive if you did?

I do not know.

277. What authority had you for making the changes?

The statement that Mr. Risley had authorized it.

278. What authority had Mr. Risley to change a contract which had attached to it the President's order referring to the certificates in its original state?

I do not know. Changes were made at various times to suit parties after contracts had been made.

279. What other reason was there for putting in the name of this other party?

I have stated the reason.

280. Who is the "Camp" mentioned in this contract?

Mr. Camp is a gentleman known in Washington. I do not know how I can describe him except that he is a large man, and said to be connected with the New York "Tribune."

281. Who is Mr. Lovie?

I do not know.

282. Do you know that there is such a man?

I do not.

283. Who is Mr. Brooks?

I do not know.

284. Do you know upon whose application this certificate was granted?

I think Mr. Camp is the party.

By Mr. Eliot :

285. Was Mr. Risley in New York at the time the name of Mr. Lovie was put in?

Yes, sir.

By the chairman :

286. Look at this paper. Is that the certificate which was granted?

Yes, sir.

The certificate referred to is as follows :

"I, Hanson A. Risley, agent for the purchase of products of insurrectionary States, on behalf of the United States, do hereby certify that I have agreed to purchase from Henri Lovie, Benjamin H. Brooks, and Benjamin F. Camp, seven thousand bales of cotton, situated in the States of Mississippi and Louisiana, which cotton it is represented will be at or near the Mississippi river, on or before the first day of March, 1865, and which said parties stipulate shall be delivered to Otis N. Cutler, agent for the purchase of products of insurrectionary States, at New Orleans, unless they are prevented from so doing by the authority of the United States.

"I therefore request safe conduct for the said Henri Lovie, Benjamin H. Brooks, and Benjamin F. Camp, their agents, and means of transportation, and said cotton, from the State of Mississippi, within the lines of military occupation by the United States forces, to New Orleans, where the cotton so transported shall be delivered to said Cutler, under the stipulation above referred to, and pursuant to regulations prescribed by the Secretary of the Treasury.

"H. A. RISLEY,

"Sup. Spec. Agt., Tr. Dpt, authorized to purchase products, &c., &c.

"November 13, 1864."

"EXECUTIVE MANSION, November 17, 1864.

"An authorized agent of the Treasury Department having, with the approval of the Secretary of the Treasury, contracted for the cotton above-mentioned, and the party having agreed to sell and deliver the same to said agent,

"It is ordered that cotton moving in compliance with and for fulfilment of said contract, and being transported to said agent, or under his direction, shall be free from seizure or detention by any officer of the government; and commandants of military departments, districts, posts, and detachments, naval stations, gunboats, flotillas, and fleets, will observe this order, and give the said Lovie, Brooks, and Camp, their agents and transports, free and unmolested passage, for the purpose of getting said cotton, or any part thereof, through the lines, and safe conduct within our lines, excepting blockaded lines, while the same is moving in compliance with regulations of the Secretary of the Treasury, and for fulfilment of said contract with the agent of the government.

"ABRAHAM LINCOLN."

287. Where were the words "and Louisiana" put in?

They were put in afterward.

288. At the Astor House?

No, it was done here in Washington, but the authority was supposed to have been received by me at the Astor House

289. Then Mr. Haskell placed these documents in your hands?

Yes, sir.

290. For what purpose?

To have the alteration made in the record at Washington to correspond.

291. How was the record changed—by erasion?

I do not know; I told Mr. Green, the clerk, to do it.

292. Is it usual for the department to alter its records in that way?

I do not believe it is; there have been alterations made before the records have been made up. There are drafts made of these contracts before they are entered in the books, and alterations made. Mr. Haskell came to me and said Mr. Risley had no objections to this change being made.

293. Is it your practice, when parties come and state their desire to have contracts entered into changed, to make such changes merely on their statements?

I do not ever remember to have done that before; I supposed in this case Mr. Haskell to be a man of veracity, and on his statement that Mr. Risley had authorized it, I thought it proper to make the change.

294. Is this the contract referred to?

Yes, sir.

The contract referred to is as follows:

"Memorandum of agreement made November 13, 1864, between H. A. Risley, agent authorized to purchase, for the United States, products of States declared in insurrection, of one part, and Henri Lovie, Benjamin H. Brooks, and Benjamin F. Camp, of the other part.

The said Henri Lovie, Camp, and Brooks agree to sell to the United States seven thousand bales of cotton, product of the States of Mississippi and Louisiana, to be transported by the way of the Mississippi river, and its tributaries, and delivered to O. N. Cutler, agent for the purchase of products at New Orleans, to be by him there sold, or shipped to New York and sold there, under the same terms and conditions as other sales of like public property are made; all expenses, costs, and charges connected with the purchase, storage, transportation, and sale of the same, together with the internal revenue tax and permit fees, prescribed by regulations, to be first paid, and the net proceeds over and above such expenses, costs, charges, taxes, and fees to be disposed of as follows: one-fourth part thereof to be retained for the United States, and three-fourths to be paid to the said Henri Lovie, Camp, and Brooks, or their legal representatives.

"And it is further agreed between the parties, that all cotton transported under this contract shall be consigned to the said Cutler, agent as aforesaid, and shall be shipped on a government transport, or if not so shipped, shall be in immediate charge of an agent to be appointed by said Cutler, whose compensation and expenses shall be paid by the said Lovie, Camp, and Brooks.

Nothing in this contract contained shall be construed as incurring any liability on behalf of the United States.

H. A. RISLEY,

Superintending Special Agent Treasury Department.

HENRI LOVIE.

B. H. BROOKS.

By Mr. Eliot:

295. Did Mr. Risley know afterwards from you what had you done?

I do not think he did.

296. He does not know it to this day, does he?

I do not think he does, only from his knowledge in the first place that it was to be done.

297. Are you positive about his knowledge in the first place?

I am positive that I was so assured.

298. Did you receive anything for this?

Not anything.

299. Nor promise of anything?

Nor any promise.

300. Have you no anticipation or expectation of any interest in any way?

Not the remotest expectation in any way whatever. I did it only in the ordinary way of official duty.

By Mr. Perry:

301. Was it done before or since you resigned?

It was done since I resigned.

302. What right had you, as an individual out of office, with no official connexion with the Treasury Department or any other department, to alter the records of that department?

I was working for Mr. Risley. I did several things for him at the Astor House. He sent me down on a certain matter to Washington and I took these papers along. I was really a clerk of Mr. Risley.

303. But you were not a clerk of the government?

No, not a clerk of the government.

304. Did Mr. Risley pay you for your services as clerk?

He has not, but I suppose he will. He has promised to pay me for anything I have done.

305. What were the profits that would have arisen from this transaction on this certificate for the purchase of the 50,000 bales?

We had a contract with a man to take 25,000 bales, giving us fifteen cents a pound for every pound delivered to the purchasing agent in New York.

306. Fifteen cents profit?

Yes, sir.

307. How much do you suppose your profits would have amounted to?

I had no idea that we would get 50,000 bales.

308. Is there any understanding, or was there any, that any other parties than the ones you have named should be interested in the profits?

Nobody whatever.

309. You made no agreement with any one for his influence, or for any other reason?

I did not; it was not necessary.

310. Do you know it to be a fact that anybody could go to the Treasury Department and obtain one of these permits?

Any proper person—any loyal person—could go there and obtain a permit without any certificate.

311. Without a certificate from any party whatever, that he had cotton in the rebel States he could control?

Yes, sir. Mr. Risley would make a contract with any good man. Understanding the object of the government to be to get out cotton, he did all he could to facilitate that object.

312. Do you know W. Prescott Smith, of Baltimore?

I do.

313. Has he been interested in any of these contracts?

Not to my knowledge.

314. Where did you know him?

I only know him as a railroad superintendent.

315. Did you ever know him in connexion with these permits to trade?

I never did.

316. He is a railroad superintendent of what?

Of the Baltimore and Ohio railroad.

317. Where is this Mr. Moore now?

I suppose he is in this city. I have not seen him for a few days.

318. Do you consider Mr. Cook as a partner in this transaction now?

No, sir.

319. For the reason that Mr. Moore would not let him in?

For the reason that Mr. Moore would not let him in.

320. Has Mr. Moore always lived in this city?

For the last three or four years, as I suppose.

321. What facilities had Mr. Moore for controlling cotton in the rebellious States any more than any other man in this city?

Mr. Moore and Mr. Helmick had had acquaintances who had operated down there in cotton. I think they mentioned a Dr. Van Camp, who had made himself rich in buying and getting out cotton down there under the old system before this new law went operation.

322. Is Dr. Van Camp a dentist in this city?

I think he is.

323. Where is he now?

I do not know.

By Mr. Perry :

324. Was he on friendly terms with authorities in the southern confederacy?

I do not know anything about it. I do not know the man at all. Mr. Helmick knew him, and had a good deal of confidence in him and in his ability to get out cotton.

325. Have you had any correspondence with any parties in the confederacy on this subject?

No, sir ; I have not had any correspondence even with this man. I was introduced to him once by Mr. Helmick. That is the only acquaintance with him I have.

326. How did you expect to pay for this cotton ?

In money.

327. In what money ?

In United States currency. If we were allowed to take back supplies for cotton brought out, we would do so on these executive orders.

328. Have you purchased or had made any negotiations for the purchase of any merchandise of any kind with a view to this exchange ?

No, sir ; we have not. My design was, if we could to get good, responsible men to pay us a percentage for the use of the privilege, I intended to stop in New Orleans myself. I did not intend going beyond there, nor did any members of the firm intend going personally beyond the federal lines.

By Mr. Eliot :

329. Do you mean you intended to transfer the right to use this permit ?

I meant to sublet the contract ; that was a part of the programme.

330. And you were to make your profit by subletting under these permits ?

Yes, sir ; that was my intention.

331. That would not require a very large capital, would it ?

Not very great ; no, sir.

332. Had you proceeded to any extent in carrying out that plan ; had you ascertained the names of parties who would be likely to become purchasers ?

We had made a contract with this Mr. Rogerson, agent of John A. Poole, an extensive merchant in New Orleans, as he represents him.

333. Did that contract transfer to him all rights you had under this permit ?

It transferred the right to bring out a certain number of bales of cotton, for which he was to pay us fifteen cents a pound on its delivery to our purchasing agent. We were not to be concerned in the trade in any way other than that.

334. You must have considered this permit of yours worth something if you required a party to pay you \$2,000 for the privilege of one-fourth interest in it, when, at the same time, the party could go to Mr. Risley and obtain a permit just like it for nothing ?

I will explain that. This certificate was granted on the 17th of November. The general regulations of the Treasury Department now in force did not go into operation until the 1st of December, as you will see by the date of the regulations. The executive order could not be readily obtained after the 1st of December. I do not say it could not be obtained at all ; but Mr. Risley felt a delicacy about requesting anything of that kind, such as asking for the signature of the President, because parties could obtain authority under the general regulations. This company, to which Mr. Cook belonged probably, could not get the President to sign for them. He wanted a paper that had Mr. Lincoln's order attached to it.

335. Then I understand you that while anybody could get Mr. Risley's certificate, that everybody could not get a permit with Mr. Lincoln's order attached to it ?

I do not think they could.

336. And the special value of the permit arose, therefore, from the fact that it had Mr. Lincoln's order accompanying it ?

One great value. Yes, sir.

337. And that made it important to change the amount from 15,000 to 50,000 bales ?

I do not know that it did. We did not expect to get out 15,000 bales, but we wanted to cover as large a contract as we could. I could just as well have had 50,000 bales inserted in the first place.

By the chairman :

338. Was this change from 15,000 to 50,000 made subsequent to the time when orders could conveniently be obtained from Mr. Lincoln ?

A number of parties have had orders since.

339. But I understand you to say it was very difficult to get them ?

It was more difficult.

340. And it was that which made your contract the more valuable ?

They considered it valuable for that reason. This alteration was made before I knew Cook at all in the transaction, or any other party in reference to it. It was made, as I before stated, to cover a contract with this man who wanted to get out 25,000 bales.

By Mr. Perry :

341. How does this contract stand recorded in the Treasury Department ; for 15,000 or 50,000 bales ?

For 50,000.

342. Because you altered it to 50,000?

Yes, sir. I considered myself authorized so to alter it.

343. How was it altered; by erasure?

Yes, sir.

344. By erasure with a pen or knife?

With a scraper.

By Mr. Eliot:

345. When you wanted a permit for a larger amount, why, instead of altering a paper which had Mr. Lincoln's signature to it, did you not make application for another permit?

It would have involved more trouble. I suppose I could have got it. I did not want to ask too much from the President; it was a matter of delicacy with me.

346. Did not the delicacy which prevented you from making a second application occur to you as in the way of your altering a paper having the President's signature?

I had Mr. Risley's consent, and did not consider the matter of the quantity a material point involved. Other parties had had permits for as large a quantity.

By the chairman:

348. In this contract and certificate granted originally to Lazare, Brooks, and Camp for 7,000 bales of cotton, the order of the President is dated four days subsequent to the certificate of Mr. Risley; was the alteration made in the body of the order of the President made by you with the consent of the President?

I made that, as I told you, at the same time I made the change in the contract.

349. Did you make it with the consent of Mr. Lincoln?

Not to my knowledge.

350. By what authority did you make it?

By that of Mr. Haskell, who came to me, as I have stated.

351. By what authority did you alter the order of the President?

By the same authority I have stated.

352. Could you not have put in the name of Jeff. Davis as well as that of Mr. Lovie?

I would not have done it.

353. Could you not have done it?

If Mr. Risley had come to me and told me to do it, I would have considered that sufficient authority.

354. Was Mr. Risley, or anybody else, authorized to change the President's order?

I see the point very clearly, but I will state to the committee that the President did not, of course, know any of these parties personally. The contract was made by Mr. Risley, and signed by Mr. Lincoln upon the faith of Mr. Risley's representations. They might as well have been any other parties as these so far as the President was concerned, for he merely took Mr. Risley's guaranty.

355. The point is, that you might just as well have put in the name of any rebel as that of Mr. Lovie, who would then have had the authority of the President to go inside the rebel lines to trade. Do you know this man Lovie?

I do not know him at all, nor do I know Brooks, whose name is also in the contract.

356. And you do not know whether he is a loyal man or a rebel?

No, sir; nor do I in a majority of the instances in which I have made out permits. I get a memorandum from Mr. Risley and make out the papers, simply inserting the names as they are given to me. I know Mr. Camp slightly, but I know but few of these men.

NOAH L. WILSON called, sworn, and examined.

By the chairman:

357. Please state your residence and business.

I formerly resided in Ohio; I reside at present in New York; my business is banking.

358. Have you directly or indirectly been engaged in trade with the rebel States since the breaking out of the rebellion? If so, at what time, to what extent, and with whom connected?

I have not, directly or indirectly, until recently. My firm, of Wilson, Gibson & Co., of New York, entered into arrangements about the first of January, 1865, to commence trade with the insurrectionary States, under permits from the President, in pursuance of the laws of Congress and treasury regulations. Wilson, Gibson & Co. are connected with Mr. Howland—I have forgotten his first name—who is manager of the Neptune Steamship Company, New York. A. G. Story, of Little Falls, Herkimer county, New York, Abraham Bell, Sons, merchants, New York, owners of the old line of the Liverpool and London packets; Kingsley, whose first name I have forgotten, of Brooklyn, New York, contributed \$12,500 in cash to the concern; Buckley, of the firm of Platt, Gerard & Buckley, and J. Borman Johnston; I believe they are all.

359. Please state further in relation to this company of which you have spoken. To whom were these permits or certificates granted? For what purpose, and to what extent?
The purpose was the purchase of products in these insurrectionary States, especially cotton. The permits were issued to Wilson, Gibson & Co.
360. Was there permission given to purchase anything but cotton, and, if not, how much cotton, and where was the same situated?
My impression is that I have answered the question. It was to purchase the products of the insurrectionary States, but our principal object was cotton.
361. Where are these permits or certificates?
They are in our possession, in New York.
362. Have you them at home?
I am not certain whether we have the permit at our office, in New York, or whether we have only a copy of it. One of my partners has gone to Georgia to attend to this matter. My impression is that he took the original with him.
363. What names were inserted in this permit or certificate?
The names of the several partners of the firm.
364. Who made the contract with the treasury agent?
I am not sure but we all participated in it. I did, to a great extent, perhaps greater than any of the others.
365. Who was the party that certified that he had cotton in the rebel States?
A Mr. Livingston.
366. Where was this Mr. Livingston from?
From Georgia.
367. What part of Georgia?
He formerly did business in Savannah. His residence is in the interior of Georgia cannot now name the place; I have heard it, but cannot now recollect it.
368. How many bales of cotton did the certificate authorize the parties to whom was granted to bring out?
I think, one hundred thousand.
369. Did Mr. Livingston certify to the department that he had one hundred thousand bales of cotton?
No, sir; I do not think he certified to having any particular quantity.
370. Through whose instrumentality was the permit obtained?
Through my own, and that of our counsel.
371. Who was your counsel?
Mr. Buckley, who was also interested in the transaction.
372. Was there a man by the name of Wells interested in it in any way?
Yes, sir. Mr. Wells and Mr. Livingston, I believe, are interested together.
373. Their names, however, are not inserted in the contract.
They are not interested under our contract with the government; they are interested, however, in getting out cotton in compliance with their part of the arrangement.
374. What is their part of the arrangement? What is their interest?
Their interest is 62½ per cent. of the net profit.
375. Where does Mr. Wells belong? What is his business?
Mr. Wells belongs, I believe, in New York or Brooklyn. He has constructed the water works of the city of Brooklyn. He has been a large contractor, I understand, upon works of internal improvement.
376. You say Mr. Livingston was a resident of Georgia. How long has he been out of Georgia?
I do not know how long he has been out of Georgia. It is but recently that I made his acquaintance, in the month of December.
377. By whom was he introduced to you?
I believe he introduced himself.
378. What do you know of his antecedents?
I do not know that I know anything certain. Pretty much all that I know of him he told me himself. I think he was a northern man originally. He emigrated to Georgia, a few years since, and has been there several years.
379. Where is he at the present time?
I suppose he is in Georgia by this time.
380. When did he leave New York?
About the middle of last week, I think.
381. Do you know how recently he was through the rebel lines?
I do not.
382. Do you know of his being in Richmond recently?
I do not.
383. Did he state to you that he had been there?
Not recently.

384. How long ago?

I do not think he stated how long.

385. Did you go into this matter on his representations?

I went in mainly on his representation as to what he could do in the way of getting cotton. He possessed the confidence of the President and of the government. He has rendered very signal services to the government.

386. To what government?

To the government of the United States. I think, if you will inquire of the President of the United States, you will probably find that he rendered the government as signal, if not more signal, service in Georgia than anybody else.

387. Did he not state to you that he was well acquainted with members of the rebel government, that he had been in Richmond, and was on good terms with them?

I think he gave us to understand that he would not be molested there. I do not recollect of his having stated that he was on good terms with the rebel authorities. I do not think he stated that he had any intercourse with the members of the rebel government.

388. What particular reasons had he for supposing that he would not be molested more than anybody else?

I suppose it was in consequence of his expecting to do his business in a part of Georgia where the people were famishing, and where he would, therefore, have their support.

389. What part of Georgia is that?

On the Fernandina and Gulf railway, I think, of which he is a director and a large stock holder, as Mr. Wells also was.

390. You say you went into this thing pretty much on his recommendation?

Yes, sir; we believed from his representations that he could get out cotton.

391. What was the capital stock subscribed by these parties?

Five hundred thousand dollars.

392. How much has been paid in?

Two hundred and fifty thousand dollars.

393. By whom?

The parties I have named.

394. In cash?

Yes, sir.

395. Each twelve thousand five hundred dollars?

The shares were each twenty-five thousand dollars, and there were twenty shares. Each paid half in cash.

396. Have you had any difficulty lately about getting your papers all right?

No difficulty in getting our papers, but delay in getting the government to appoint the agent who was stipulated to be appointed to go down there.

397. What was the cause of the delay?

I do not know that I can assign any cause except the usual delays in getting almost anything done by any of the officers of the government.

398. Was there any difficulty in relation to passes?

My impression is, none whatever; they exhibited to me, on their return, passes from the President of the United States and Secretary of War. I think there was no difficulty in that way; I had nothing, however, to do with the matter.

399. Do you know of anybody coming on from New York in order to help the matter through?

Mr. Livingston and Mr. Wells had the matter in charge.

400. Do you know of their employing anybody to assist them?

They had the assistance of lawyers; I think of counsel.

401. What lawyers did they have?

I believe they employed, after they reached here, Mr. Evarts and Judge Pierpont of New York. I am not aware of their employing anybody else.

402. If they had no difficulty in getting this matter through, what was the necessity of employing lawyers?

They are both plain, ordinary men; and, I take it, not accustomed to the routine of business of this sort, and they employed gentlemen whom they supposed would be.

403. Even if they had been the men you describe, if they had no difficulty in getting the matter through, why should they employ lawyers?

You know better than I do. I have had very little to do with these matters.

404. Were these parties in the city at that time?

Yes, sir, I believe one was.

405. Were they here at the time Livingston and Wells came on, or were they sent for after they got here?

I think Judge Pierpont was here, and that they employed him here. I believe they sent for Mr. Evarts to assist them before they saw Judge Pierpont.

406. Was it a kind of business that required legal talent?

You are as good a judge of that matter as I am, and better.

407. Are there any parties, other than you have mentioned, interested in this matter, directly or indirectly?

Mr. L. A. Bigelow is interested; not by supplying any capital, but simply by his services in superintending the trade.

408. Is he the only one?

He is the only one I know who has any interest in the matter.

409. Who made the application to Mr. Risley for this certificate?

I do not know that any person made application to him until I applied myself.

410. On what ground did you make application.

On the ground that we supposed we could make money out of it; we were invited to do so by the laws of Congress and the regulations of the Treasury Department.

411. What has been the cost of getting up this company?

We have expended, I think, about \$150,000 in cash, in the purchase of a steamer, and in the purchase of merchandise not contraband of war, under the regulations of the government, which we have sent forward, together with a schooner under charter.

412. What is the name of this steamer?

The Petrel.

413. Have you paid or promised to pay any sum or sums of money to any individual for any privilege you have received?

None whatever, directly or indirectly. We went into it merely as a legitimate commercial transaction.

414. Has the steamer Petrel started?

Yes, sir.

415. Did she take out anything?

Yes sir, a full cargo.

416. What did she take out?

Dry goods, provisions, coffee, and assorted merchandise.

417. Where did she clear for.

Fernandina.

418. What was the value of the cargo?

I cannot state separately. The two cargoes both sailed within twenty-four hours of each other; and the two steamers and cargoes were worth about \$150,000. I should say \$120,000 would cover the cargoes.

419. And these cargoes were to be exchanged for cotton?

Yes, sir.

420. What was the name of the schooner?

Julia A. Rider:

421. What was her tonnage?

I believe about 350 tons.

422. What is the tonnage of the Petrel?

I cannot say with accuracy; I should say about 300 or 350 tons.

423. Where can the invoices of the goods taken by these vessels be found?

At our office in New York.

424. Will you send them to the committee?

Yes, sir, we will furnish you them with pleasure, if you desire it. I will send them by the first express or mail. I will state to the committee, that we went into this matter, supposing we were invited so to do by these laws, and for no other purpose than purely legitimate trade; if we had supposed there was any question or any doubt in regard to the matter, we would never have engaged in it at all.

By Mr. Eliot:

425. Did you have more than one permit?

Only one.

426. Do you know Mr. Risley?

Yes, sir, I met him in New York.

427. Have you stated all you know in reference to this delay which occurred in Washington?

The understanding with Mr. Risley was, that a special agent by the government should be sent out. I think that is provided for in the contract; the failure to make that appointment was the cause of the delay; the delay caused a disappointment on the part of these gentlemen, who expected to have gone out in this vessel; but our steamer and vessel had to go out without them, and they had to go to Washington to have this appointment made. When they came here, they found difficulty or objections to appointing this agent; and finally the Treasury Department avoided the matter by vesting the power of agent in the collector of customs at Fernandina, in order to save expenses.

428. And was that the difficulty about which Mr. Evarts and Judge Pierpont were employed?
Yes, sir, that was the only difficulty. The government seemed to have some hesitation about fulfilling its part of the agreement in the appointment of that agent; that was the only question I know of which embarrassed or delayed them.

429. Do you know Mr. Livingston's first name?

I have forgotten it.

430. Can you describe him?

He is rather a tall man, dark complexion; one of his hands is deformed.

431. When did these vessels leave?

They sailed about the middle of the week before last.

432. Do you know of any other transactions in reference to trade with rebellious States, except those you have stated?

I do not.

433. Do you know other persons in New York who have gone into the business?

I do not.

JAMES L. McPHAIL called, sworn, and examined.

By the chairman:

434. Please state your residence and business.

I live in Baltimore; I am now acting under the War Department as provost marshal or special agent for Maryland.

435. What knowledge have you, if any, in regard to trade which has been carried on in the rebellious States since the breaking out of the rebellion? Please state fully and particularly all the facts and circumstances connected with such trade, if you know anything about it; by whom carried on, and how and to what extent.

Supposing that was what I was summoned for, I brought my letter book with me, in order to refresh my memory as to dates and circumstances. Here is a copy of a report I made to Major Turner, judge advocate, with regard to the trade in Westmoreland county, by Miles Hopkins, of Baltimore, in the schooner Ann Hamilton. Some time in February, 1864, I discovered that a vessel called the Ann Hamilton, a schooner, was loading in the port of Baltimore, with a cargo which looked suspicious for the country in which that vessel was trading.

I caused an examination to be had, but before I could get an opportunity to stop the vessel she sailed. I immediately advised the War Department of the fact, and started my sloop in pursuit of her, with instructions to pass her and overhaul her afterwards; my sloop ran to the Wicomico river, on the Virginia side, after having reported to the navy, and waited there all night. Just at dusk a gunboat came up, which turned out to be a gunboat from the military department below. She overhauled us and we made everything satisfactory; they said they had been sent to look after this same vessel, the Ann Hamilton. We then came out, returned to Baltimore, and found the vessel had been overhauled by the revenue cutter Hercules, Captain Baker, at Piney Point. The vessel was afterwards taken up to St. Mary's by some arrangement between the captain of the Hercules and the captain of this schooner, who admitted her to be a prize. Captain Baker held her there for a little while, when the officer, whoever he was, in command of the flotilla took her away as a prize of the navy. She was taken up to Washington and there released, from the fact that she had a regular permit from the Treasury Department to trade in Westmoreland county, Virginia. That was one of the reasons why I followed the vessel; I knew of that permit to trade here. I knew the fact that only a few days before General Marston had made an excursion through that country, and I knew there must be something wrong in sending such a cargo as this was there, and I therefore made a full report of the facts and called the attention of the government to them; the following is the report with letters accompanying:

"BALTIMORE, February 1, 1864.

"Sir: I desire to call the attention of the War Department to the sailing from this port, yesterday, of the schooner Ann Hamilton, Captain Bell, for Wicomico river, Northumberland county, Virginia, by regular clearance, and a permit from the Treasury Department, granted, on the recommendation of the War Department, as a military necessity, to W. C. Hopkins, of the firm of Miles & Hopkins, of this city; the cargo consisting of groceries, dry goods, notions, boots, shoes, and hats, to the amount, per bills, of about eight thousand dollars, shipped by W. C. Hopkins, or his agent, in the Great Wicomico river.

I find that Samuel J. Miles has sailed as a passenger on said schooner as agent for W. C. Hopkins. The parties who appear on the manifest, invoices, &c., are generally well known for their secesh sentiments. Hopkins is said to be loyal. I enclose you a number of letters found at Miles & Hopkins's store when I was ordered by the War Department to arrest Samuel G. Miles and send him to Philadelphia to answer about his connexion with the schooner Secretary, in which David Risley was suspected of fitting out to run the blockade, which, after an examination before the honorable Judge Cadwallader, was discharged and sailed on her voyage. A short time after this decision you received affidavits from one of the hands sent you by Mr. Franklin, chief of detectives, Philadelphia, fixing her true character beyond doubt. I also enclose you a copy of statement made by Mr. Steptoe B. Taylor, now of this city, but a former resident of Northumberland, well known to me as one of our most loyal citizens. I enclose each letter in a paper with explanations. The permit is issued, as I understand, by Mr. Risley, the agent of the Treasury Department.

"I would remark by reference to the locality to which these goods are being shipped, and referring to the report of the late expedition of General Marston from Point Lookout to this very section of country to which this cargo is destined, misrepresentation must have been made to obtain this permit, especially as Miles seems to be covered up in the affair by his partner, Hopkins; as Miles's name does not appear in any place on the papers.

"I would also state that Colonel George H. Sharpe, assistant provost marshal general army of the Potomac, informed me by letter, in May last, that in a body of information furnished a court-martial at the headquarters army of the Potomac, it was developed that Samuel G. Miles was engaged in contraband business from St. George's island, in the Potomac river, to the Virginia shore, and that the information would be sent as soon as received to headquarters, &c.

"Miles is known as an active rebel in this city, and is often spoken of as a prince of contraband traders; our courts in Baltimore and Washington have the records of the fact. It may be possible that the government has some object in granting the permit which fully justifies its issue, under the impression that this section of country was still under General Meade. I wrote to Colonel Sharpe to look that these goods did not reach Richmond.

"Respectfully yours, &c.,

"J. L. McPHAIL,

"Provost Marshal General, State of Maryland.

"Major S. C. TURNER,

"Judge Advocate, War Department."

"BALTIMORE, February 1, 1864.

"Samuel G. Miles, some eight months since, came to me and offered me \$2,000 if I would obtain a permit from the government to send goods to Northumberland and Lancaster counties, Virginia, in my own name, and turn the same over to him. He said, at the same time, that his agent in those counties had sold some of his goods in said counties, and had been compelled to take Virginia and confederate money in payment, and that with said money he had purchased for him (Miles) grain, and that if he could get that out he could make a handsome thing out of it.

"I am well aware that Mr. Miles has been engaged in blockade running during the whole war, he has admitted the same to me. Mr. Miles was concerned in the cargo of the schooner Hampton, which was captured in the waters of Northumberland county, Virginia, about eight or ten months since, brought to Washington, and schooner and cargo condemned and sold. The goods were sent from here in the schooner Exchange, and transferred to the Hampton down the bay.

"S. B. TAYLOR."

"BALTIMORE, February 1, 1864.

"To all whom it may concern:

"The sloop Lydia has been sent forward to the Chesapeake bay to detect certain vessels that have lately left Baltimore under suspicious circumstances. The schooner Ann Hamilton, Captain Bell; A. W. Thompson, Captain Reeves; and several others who are suspicioned for changing cargo in the Chesapeake bay and its tributaries.

"They are directed to use all diligence in making discoveries, and in case of any facts being discovered to report to the flotilla gunboats at the mouth of Potomac river. They are particularly directed to visit Henry bay, Patuxent river, Magotty, South, and West rivers.

"J. L. McPHAIL,

"Provost Marshal General, State of Maryland."

436. Where is the permit under which the schooner sailed?

I do not know; if anywhere it must be in the hands of the Navy Department. The vessel was seized, taken to Washington and released. Her cargo was to come in to fill up the country through which General Marston had just gone with a raid for the purpose of depleting of these supplies. The most singular part of this transaction was, that the vessel had aboard a man who was, of all others, the most inimical to the government—a Mr. Samuel G. Miles. He went as agent to dispose of the goods, which, as I understood, were to be disposed of under the superintendence of a gunboat which came up there while we were there, but finding the object of our visit, left again. We remained all night.

437. What was the name of the gunboat?

I do not know.

438. What did you infer in reference to the object of the gunboat—that there was any collusion on its part with these disloyal parties?

I understood that the object of the gunboat was to see that the goods were properly disposed of.

439. How properly disposed of?

To supply families; that was the only condition under which parties were allowed to receive goods.

440. Did the vessel contain any articles contraband of war?

The expression, “contraband of war,” is so variously interpreted that I hardly know how to reply. There were certainly goods on board which would give aid and comfort to the enemy. I remarked that only one week before that whole country had been depleted by the raid of General Marston, and the object of the raid was entirely defeated by allowing the country to be filled up again in this manner.

441. What do you know of any other prior or subsequent transaction in this matter?

On the 12th of April, 1864, my attention was attracted to another transaction. The steamer Philadelphia, a propeller, was lying at one of our wharves. I made a full report to the War Department, and made arrangements to detain her until I should receive instructions from Washington. I put a guard, not on the vessel, for I did not want to attract attention, but stationed two men in the vicinity of the steamer. I had her custom-house papers, all of them, in my possession. The propeller had not her steam up, and I thought the guard I had was sufficient for her detention; but while these men were watching, something attracted their attention, which they went around the corner to investigate, and before their return a tug came up and took the steamer in tow, and she escaped out of the port. I immediately went to Collector Hoffman and asked him to explain the very strange circumstance of the steamer being allowed to depart while her custom-house papers were in my possession. He told me a man by the name of G. W. Lane called on him and stated that I had stopped his vessel, but that upon explanation I had released it, but there was not time to get the papers back again; he requested new papers, which the collector gave him, and out the steamer went. This cargo will explain the cargo of the Ann Hamilton, for it was the identical cargo. I stopped the Philadelphia, which was then in charge of G. W. Lane; her manifest was made out for Fortress Monroe, but Lane admitted he intended to go to Chowan county, North Carolina, under the direction of General Butler, which letter he had in his possession. Many of the papers in connexion with this transaction are on file in the War Department. Lane stated to me in conversation that he was acting in some recognized capacity by authority; that everything was all right and correct; that he would not do anything wrong. He assured me he had the authority from the President for taking that cargo into the Chowan river. I said to him, “Show me your authority, and I am obliged to obey; still I will have to report your case to the War Department.” He then stated he had not the authority with him, but that he would give me his recollections of the papers upon which his authority was based. Said I, “That is the next best thing you can do.” He then sat down and made me this statement:

“Statement of application to the President of the United States for permission to ship goods to Chowan county, and bring out the products of that county in return.”

“To his Excellency the PRESIDENT OF THE UNITED STATES:

“SIR: I have the honor to state that I think the public interest will be promoted if G. W. Lane should have permission to take cargoes of goods to Chowan county, North Carolina, and bring back products of that county in return, in all cases such goods and vessels being subject to the military authorities at this post.

“I have evidence of Mr. Lane’s loyalty and trustworthiness.

“B. F. BUTLER,
“Major General Commanding.

"This statement is made according to my best recollection.

"This application was indorsed by the President of the United States the 21st day of March, 1864.

"G. W. LANE."

442. Upon that what did you do?

I immediately ordered him not to take the steamer out of the harbor, for I did not think this authority was sufficient. I then sent a statement of the case on to Washington, but something occupying the attention of the War Department on that day I failed to get any reply. On the next day I was obliged to report that the vessel had slipped from port. I was in hopes some arrangement would be made with Commodore Lee to overhaul her. I understood subsequently that Commodore Lee had overhauled her. In overhauling her myself I found among the papers something that attracted my attention as a singular document. It was a letter of mine which I addressed to Judge Turner, and which was referred by him to the War Department, on the subject of the expedition of the *Ann Hamilton*. I found a full copy of it in possession of Lane. It struck me that it was a paper no one had anything to do with outside of the department. I understood that it had been sent to Commodore Lee, but, however, as I said, Lane had a full copy of it. At that time we did most of our business in Washington with Judge Turner, because the War Department was so pressed with business that communications sent directly there did not meet with prompt action. I found this contract in the possession of Lane—not, however, on board the vessel—I mean the contract between Lane and A. M. Clark, who was formerly a large contractor in the Quartermaster's Department. It sets forth that they put in so much money for trading in the southern confederacy. Another contract gives also to a party in New York, by the name of Byron W. Clark, an interest for services rendered.

The contracts in full are as follows :

"Memorandum of an agreement made and concluded by and between Geo. W. Lane, of the one part, and A. M. White, of the other part.

"Witnesseth, that for the consideration hereafter mentioned, the said Geo. W. Lane doth agree to give and pay over to the said A. M. White, of the second part, an equal share of the profits of trading in the products of North Carolina and Virginia, and in the shipping of goods to the same sections of the confederacy, the amounts of profits to be determined and paid after the refunding of the paid-in capital to the parties paying in the same, and in consideration of which, the said A. M. White does agree to pay into the said Geo. W. Lane, for the purpose of trading in the products of North Carolina and Virginia, under a permit from the Treasury Department of the United States government, to bring out the said products, the sum of ten thousand dollars, and the said amount of ten thousand dollars to be refunded out of the first shipments of the products of the above-named sections.

"In witness whereof we have set our hands and seals this 16th day of February, 1864.

"Witness.

"G. W. LANE. [SEAL.]

"A. M. WHITE." [SEAL.]

"BALTIMORE, MD., February 15, 1864.

"Memorandum of agreement made between George W. Lane, of this city, and Byron W. Clark, of New York.

"Whereas, the said Lane proposes to engage in commercial transactions in the State of North Carolina, under the authority of the military and Treasury Departments of the United States, in the way of selling goods and purchasing cotton and other products, and sending the same to market. Now, in consideration of services rendered by said Clark to said Lane, the said Lane hereby agrees to pay the said Clark two-fifths of the net profits on such transactions, after his paying all expenses, and return to him his original capital invested, and also the said Lane is to pay John Sanborn for services rendered by him, which is not to be charged as expenses.

"The said Clark hereby agrees to purchase two-fifths of the goods which said Lane shall take down on the first purchase, provided said Lane shall request him to do so at the original cost.

"Witness our hands this 15th day of February, eighteen hundred and sixty-four.

"G. W. LANE.

"B. W. CLARK."

443. Who is this B. W. Clark?

B. W. Clark, I understood, was from the upper part of the State of New York. I have an impression that I heard that he was a candidate for governor of New York. I know nothing about him.

444. You do not know what his services were?

I only know, by information, that he was engaged, to use a common phrase, "in shoving things through." I say the contract with White shows, of itself, what was to be done with the cargo of the Ann Hamilton.

445. Who is George W. Lane?

He is a native of New Hampshire. He formerly kept a hotel in the city of Washington, but has recently been a resident of the city of Baltimore.

446. What hotel did he keep in Washington?

I do not know. I have only known him in Baltimore, since the war. He was a contractor in the Quartermaster's department.

447. Do you know anything further in relation to this affair of the steamer Philadelphia?

Here is a letter from Treasury Agent Morse, which, I imagine, had some bearing upon the case.

"NORFOLK, February 3, 1864.

"FRIEND LANE: The authority came to hand last evening, all O K, and the certified copy also.

I have no news to communicate, but am expecting some every day. Your friend, Mr. T., is here. I will come when necessary, or you can come down if you think best. Did you get the bonds for wife? She can send the money at any moment.

"Truly, yours,

"B. H. MORSE."

448. The writer of that letter is a treasury agent, is he?

Yes; I think he takes charge of abandoned property at Norfolk. He was formerly on L. C. Baker's force in Washington.

449. Where did you get that letter?

I got the letter from Lane. I found very few papers on board the steamer, and I said to Lane, you are going on a very extensive expedition, for the papers you have, if these are all. He said he had more, and started his clerk to get them. I started two of my men to go with the clerk—the clerk not knowing their object. As he entered the door, and my men saw that he had got the papers pretty well out, they came up and said they would go in. They did that to prevent the destruction of any of the papers if there had been any such intention. Among the papers returned by the clerk the following letter, from B. W. Clark, may throw some light on the transaction.

"NEW YORK, March 5, 1864.

"DEAR SIR: I sail this p. m. Mr. Orlando Allen, of Buffalo, New York, will have authority to trade in the counties we talkek of, at an early day. He is a perfectly reliable business man, and will make a favorable arrangement with you. Talk with him as freely as you would with me; he has the same friends that I have. I hope business will move soon.

"Truly, yours,

"B. W. CLARKE.

"CHARLES WHITLOCK, Esq.,

"76 F street, Island, Washington, D. C."

Here is another, with a fictitious signature:

"OFFICE OF THE ADAMS EXPRESS COMPANY,

"84 Washington street, Boston, Saturday, April 9, 1864.

"I came on from 'N. Y.,' and go back to-morrow. I expect to see you in Balto. by Wednesday.

"I trust that you have sent st'r so that we may have no delay on starting, on arrival at F. M. or Norfolk.

"Truly, &c.,

"CHICAGO.

"G. W. L."

The following, I suppose relates to the same subject:

"WASHINGTON, D. C., April 8, 1864.

"SIR: The goods of Mr. Whitlock's I put on the boat with his furniture, which will leave here to-morrow, and be in Cornfield harbor in time for you to tow him. The name of the boat is barge Redwing.

"Yours, truly,

"E. RICHMOND.

"Mr. G. W. LANE."

The following is the manifest of the vessel, giving precisely the same goods as were found on board of the Ann Hamilton:

"I, G. W. Lane, master or commander of the steamer called Philadelphia, of Baltimore, do swear to the truth of the within manifest; and that, to the best of my knowledge and belief, the goods, wares, and merchandise of foreign growth or manufacture therein contained were legally imported, and the duties thereupon paid or secured. So help me God.

"G. W. LANE."

"DISTRICT OF MARYLAND,

"Port of Baltimore, April 11, 1864.

"G. W. Lane, master of the steamer Philadelphia, having sworn, as the law directs, to the within manifest, consisting of articles of entry, and delivered duplicates thereof, permission is hereby granted to the said steamer Philadelphia to proceed to the port of Old Point, in the State of Virginia.

"G. B. MILLIGEN, *Deputy Collector.*

"F. S. EVANS, *Deputy Naval Officer.*"

COASTING MANIFEST.

Manifest of the cargo on board the steamer Philadelphia, whereof G. W. Lane is master, burden 180 tons, bound from the port of Baltimore for Old Point.

Marks and numbers.	No. of entry.	Packages and contents.	Shippers.	Residence.	Consignees.	Residence.
Chas. Whitlock, Old Point, Va.		4 cases dry goods	G. W. Lane	Baltimore..	Charles Whitlock.	Old Point, Va.
		1 case stationery	do.....	do.....	do.....	Do.
		1 case medicines	do.....	do.....	do.....	Do.
		108 packages groceries	do.....	do.....	do.....	Do.
		2 cases hats.....	do.....	do.....	do.....	Do.
		1 lot wood ware.....	do.....	do.....	do.....	Do.
		1 box and package twine and rope	do.....	do.....	do.....	Do.
		60 ploughs.....	do.....	do.....	do.....	Do.
		1 box seeds.....	do.....	do.....	do.....	Do.
		5 bundles castings.....	do.....	do.....	do.....	Do.
		40 packages nails & hard- ware and vessel's stores.....	do.....	do.....	do.....	Do.

I also present to the committee the custom-house permit and the bills of lading of the Philadelphia:

"CUSTOM-HOUSE, BALTIMORE,

"Surveyor's Office, April 11, 1864.

"The transportation of the articles specified in the bills attached is permitted to C. Whitlock, Old Point, by special authority of the Secretary of the Treasury, based upon a request of the Secretary of War, said articles being required for 'military purposes.' The original on file in the collector's office, bearing date Washington, February 16, 1864. Three per cent. paid.

"JOHN F. McJILTON,

"Surveyor of the Customs.

"per THOMAS R. ROSS."

\$204 39.

"To whom it may concern:

"This may certify that G. W. Lane has this day filed in my office an application for permit to ship from this port to Old Point, Virginia, to be delivered to Charles Whitlock, by way of Chesapeake bay, per steamer Philadelphia, the following described goods, wares, and merchandise, viz: 4 cases dry goods; 1 case stationery; 1 case medicines; 108 packages groceries; 2 cases hats; 1 lot wood ware—equal to two cases; 1 box twine, and lot small rope; 60 ploughs; 1 box seeds, and 5 bundles castings for ploughs; 40 packages nails and hardware, which are of the aggregate value of \$6,813 28, and are contained in 226 packages, marked as above described. And the said G. W. Lane having filed copies of the invoices of the said goods, wares, and merchandise in my office, and made oath before me, pursuant to the regulations prescribed by the Secretary of the Treasury, September 11, 1863, concerning commercial intercourse with and in States declared in insurrection:

"Now, therefore, by virtue of the authority vested in me, I do hereby authorize and permit the said G. W. Lane to transport the said goods, wares, and merchandise by the route above named, to be delivered to Charles Whitlock, at Old Point, Virginia.

"This permit will expire and cease to have any force in ten days after date.

"In testimony whereof, I have hereunto affixed my name and seal of office the day and year of the date hereof.

"JOHN F. McJILTON,
"Surveyor of the Customs, &c."

Mr. G. W. LANE

Bought of E. WHITMAN & SONS,

Manufacturers and dealers in all kinds of agricultural implements, seeds, fertilizers, &c., Nos. 22 and 24 South Calvert street, corner of Mercer street:

To 5 dozen ploughs	\$198 00
1 box seeds	20 00
Drayage	2 00
	220 00

Received payment:
(Duplicate.)

E. WHITMAN & SONS.

Mr. G. W. LANE

Bought of W. HENRY JOHNSON,

Dealer in buckets, brooms, and twines, 66 S. Calvert street:

$\frac{1}{2}$ dozen spruce pails, at \$4	\$2 00
$\frac{1}{2}$ " ship pails, at \$7 50	3 75
510 " gill twine, at \$1 50	765 00
193 " cotton rope, at \$1 10	212 30
Box and drayage	1 50
	984 55
2 coils rope, at 34	37 40
	1,021 95

Received payment:
(Duplicate.)

W. H. JOHNSON.

APRIL 7, 1864.

Mr. G. W. LANE, Mr. CHA'S WHITLOCK

Bought of E. WHITMAN & SONS,

Manufacturers &c., No. 22 and 24 South Calvert street:

To 181 castings, &c., at 5 cents	\$9 05
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Received payment:
(Duplicate.)

E. WHITMAN & SONS.

BALTIMORE, April 4, 1864.

Mr. CHAS. WHITLOCK

Bought of MILES & HOPKINS:

10 barrels Porto Rico sugar, 2,643—180=2,463 pounds., at 15 cents	\$374 95
8 " 440 white sugar, 2,130—160=1,972 pounds, at 19 cents	379 08

H. Rep. Com. 24—4

10 barrels, 1,259 molasses, 442—10=432 gallons, at 60 cents.....	\$271 70
5 bags Rio coffee, 809 pounds, at 39 cents.....	315 51
1 chest green tea, 47 pounds, at \$1 75.....	82 25
1 " green tea, 42 pounds, at \$1 50.....	63 00
25 boxes concentrated lye, 100 dozen, at \$2 75.....	275 00
4 dozen hoes, 1 \$4 75; 1 \$5 ; 1 \$6 ; 1 \$6 50....	22 25
4 " axes, at \$13 50.....	54 00
2 " shovels, 1 \$10; 1 \$11.....	21 00
2 " spades, 1 \$10; 1 \$6.....	18 00
10 kegs nails, at \$5 35.....	53 50
2 kegs bread soda, 224 pounds, at 9 cents.....	20 16
10 sacks fine salt, at \$3.....	30 00
5 " G. A. salt, at \$2 75.....	13 75
10 " dairy salt, 620 bags, 8 and sack, at \$5.....	54 60
4 dozen buckets, 1 at \$2 75; 1 \$2 50; 1 \$2 60; 1 \$3 50.....	11 35
6 nests washing tubs, at \$6 25.....	37 50
4 " flour pails, at \$1 50.....	6 00
1 box rolling-pins.....	2 00
1 dozen sugar boxes.....	3 75
2 wood measures, 1 at \$1; 1 at 60 cents; 1 at 60 cents.....	2 20
Drayage on groceries.....	6 76
No. 3, 1 box hats, 6 dozen nutria, at \$13 50.....	81 00
No. 6, 1 box hats, 2 dozen Hungarian, at \$28 70, and cases.....	58 50
5 bags Rio coffee, 653 pounds, at 42 cents.....	274 26
2 chests black tea, 54—13; 54—13: net 82 pounds, at \$1 40.....	114 80
10 dozen hoes, 4 at \$6 50; 4 \$7 50; 1 \$6; 1 \$7 50.....	69 50
4 " trace chains, 1 at 90 cents; 1 \$1; 1 \$1 25; 1 \$1 40....	55 80
1 box bottle snuff, 3 dozen, at \$4.....	12 00
10 boxes starch, 411 pounds, at 9 $\frac{3}{4}$ cents.....	40 07
10 kegs nails, at \$6 60.....	66 00
6 dozen axes, at \$16.....	96 00
Drayage.....	2 00
	2,988 23

BALTIMORE, April 4, 1864.

Mr. C. WHITLOCK

Bought of WHITNEY, CUSHING & Co.,
Blank-book manufacturers, &c., No. 6 North Howard street:

10 reams letter paper, at \$3 50.....	\$35 00
22 " note paper, at \$2.....	44 00
10 " cap paper, at \$3 75.....	37 50
10 " cap paper, at \$2 90.....	29 00
7 gross ink, at \$5 50.....	5 50
11,000 buff envelopes, at \$2 50.....	27 50
2,000 fine white note envelopes, at \$4 25.....	8 50
1 gross pencils, at \$4.....	4 00
2 " penholders, 1 at \$1; 1 \$1 50.....	2 50
10 " steel pens, at 40 cents.....	4 00
15 " steel pens, at 75 cents.....	11 25
Box.....	1 75
	210 50

Received payment:

WHITNEY, CUSHING & CO.

BALTIMORE, 4 mo. 6, 1864.

CHAS. WHITLOCK, Fort Monroe, Va.,

Bought of JNO. M. BARTLETT,
Druggist, No. 70 South Calvert street :

10 dozen castor oil, at \$1.....	\$10 00
2 " castor oil, pints, at \$3 50.....	7 00
6 " sweet oil, at \$1.....	6 00
5 " essence peppermint, at 60 cents.....	3 00
5 " essence cinnamon, at 60 cents.....	3 00

5 dozen essence lemon, at 60 cents.....	\$3 00
5 " spirits camphor, at \$1.....	5 00
6 " British oil, at 75 cents.....	4 50
6 " Bateman's drops, at 75 cents.....	4 50
6 " Godfrey's cordial, at 75 cents.....	4 50
4 " rose hair oil, at \$1 25.....	5 00
2 " Holloway's confection, at \$2.....	4 00
4 " P. & W. magnesia, at \$2 25.....	9 00
4 " number six, at \$1 50.....	6 00
2 " Davis's pain-killer, at \$1 50.....	3 00
2 " Hunt's liniment, at \$2 25.....	4 50
2 " mustang liniment, at \$2.....	4 00
20 pounds Epsom salts, at 5 cents.....	1 00
5 " cream tartar, at 75 cents.....	3 75
10 " flor. sulphur, at 9 cents.....	90
5 dozen laudanum, at \$1 50.....	7 50
5 " paregoric, at \$1.....	5 00
5 pounds gum camphor, at \$1 75.....	8 75
1 dozen Seidlitz powders.....	4 00
4 " Wright's pills, at \$1 75.....	7 00
4 " hive sirup, at 75 cents.....	3 00
4 " sirup squills, at 75 cents.....	3 00
1 pound canth. plaster.....	2 00
4 dozen cologne, at 75 cents.....	3 00
2 " liqr. opodeldoc, at \$1 50.....	3 00
2 " Brown's essence ginger, at \$4.....	8 00
1 " Lyon's kathairon.....	2 50
4 " Bull's cough sirup, at \$2.....	8 00
2 " Sing's itch ointment, at \$2 50.....	5 00
$\frac{1}{2}$ " John Bull's sarsap., at \$9.....	4 50
Box, 75 cents; drayage, 37 cents.....	1 12
	167 02

Received payment:

JOHN M. BARTLETT,
Per DAVIS.

BALTIMORE, April 4, 1864.

Mr. CHAS. WHITLOCK

Bought of JNO. W. BRUFF & Co.,

Importers and jobbers, &c., &c., No. 245 Market street, between Charles and Howard:

No. 1, 1 piece Irish linen, 33 $\frac{1}{2}$ yards, at 50 cents.....	\$16 75
No. 2, 1 piece Irish linen, 34 yards, at 70 cents.....	23 80
1 piece bleached crash, 27 $\frac{1}{2}$ yards, at 17 $\frac{1}{2}$ cents.....	4 82
E 2 pieces bro. crash, 40 yards, at 15 cents.....	6 00
2 pieces bro. crash, 52 yards, at 17 $\frac{1}{2}$ cents.....	9 10
1 piece farmers' drill, 52 yards, at 35 cents.....	18 20
3 pieces planters' linen, 149 $\frac{1}{2}$ yards, at 35 cents.....	52 33
1 piece drab alpacca, 50 $\frac{1}{4}$ yards, at 60 cents.....	30 15
No. 1, 1 piece black alpacca, 48 yards, at 45 cents.....	21 60
No. 2, 1 piece black alpacca, 44 $\frac{1}{2}$ yards, at 55 cents.....	24 48
No. 3, 1 piece black alpacca, 42 $\frac{1}{2}$ yards, at 60 cents.....	25 50
2 pieces plaid mohair, 103 $\frac{1}{2}$ yards, at 37 $\frac{1}{2}$ cents.....	38 91
7 " printed delaine, 256 $\frac{1}{4}$ yards, at 32 cents.....	82 00
2 " plain delaine, 75.9 metre, 82 yards, at 65 cents.....	53 30
2 " shepherds' check, 101 $\frac{1}{2}$ yards, at 30 cents.....	30 48
No. 1, 6 pieces fancy prints, 273 $\frac{1}{2}$ yards, at 16 cents.....	43 76
No. 2, 5 " fancy prints, 208 $\frac{1}{2}$ yards, at 20 cents.....	41 70
No. 3, 7 " fancy prints, 315 $\frac{1}{2}$ yards, at 19 cents.....	59 94
No. 4, 6 " fancy prints, 253 $\frac{1}{4}$ yards, at 23 cents.....	58 25
4 pieces purple prints, 188 yards, at 23 cents.....	43 24
5 " black and white prints, 218 $\frac{1}{4}$ yards, at 22 $\frac{1}{2}$ cents.....	49 11
3 " colored cambric, 127 $\frac{3}{4}$ yards, at 20 cents.....	25 55
1 piece gray mixed cassimere, 29 $\frac{3}{4}$ yards, at \$1 50.....	44 25
1 " black ribbed cassimere, 28 $\frac{1}{2}$ yards, at \$ 62 $\frac{1}{2}$	46 31

1 piece doeskin cassimere, 25 $\frac{3}{4}$ yards, at \$1 50.....	\$38 62
1 " union check cassimere, 29 $\frac{1}{4}$ yards, at \$1.....	29 25
1 " fancy check, 18 $\frac{3}{4}$ yards, at \$1 50.....	28 12
1 " super. check, 28 yards, at \$1 75.....	49 00
1 " boys' check, 44 $\frac{1}{4}$ yards, at 50 cents.....	22 25
1 " dark mixed satinet, 26 yards, at 75 cents.....	19 50
1 " fancy mixed satinet, 20 yards, at 50 cents.....	10 00
2 pieces super. mixed satinet, 58 $\frac{3}{4}$ yards, at 75 cents.....	44 06
1 piece $\frac{6}{4}$ kersey, 37 $\frac{1}{4}$ yards, at \$1 75.....	65 19
1 " Arkansas kersey, 31 yards, at 50 cents.....	15 50
4 pieces striped domestic, 271 $\frac{3}{4}$ yards, at 30 cents.....	81 83
1 piece apron check, 66 $\frac{1}{4}$ yards, at 22 cents.....	14 57
1 " white flannel, 31 yards, at 45 cents.....	13 95
1 " white flannel, 26 $\frac{1}{2}$ yards, at 55 cents.....	14 57
1 " red flannel, 32 yards, at 42 $\frac{1}{2}$ cents.....	13 60
1 " red flannel, 26 $\frac{1}{2}$ yards, at 45 cents.....	11 93
1 " twilled flannel, 53 $\frac{1}{4}$ yards, at 55 cents.....	29 29
2 pieces blue demins, 136 yards, at 22 cents.....	29 92
1 piece blue demins, 48 $\frac{1}{2}$ yards, at 25 cents.....	12 12
1 " blue demins, 48 $\frac{3}{4}$ yards, at 37 $\frac{1}{2}$ cents.....	18 28
1 " bed ticking, 60 yards, at 31 cents.....	18 60
1 " bed ticking, 42 $\frac{1}{2}$ yards, at 40 cents.....	17 00
2 pieces striped shirtings, 111 $\frac{1}{2}$ yards, at 25 cents.....	27 81
1 piece bleached jeans, 37 $\frac{1}{4}$ yards, at 25 cents.....	9 81
4 pieces bleached shirting, 162 $\frac{1}{2}$ yards, at 20 cents.....	32 50
4 " bleached shirting, 183 $\frac{1}{4}$ yards, at 22 $\frac{1}{2}$ cents.....	41 23
2 " do. do. 77 $\frac{1}{2}$ yards, at 30 cents.....	23 25
2 " do. do. 91 $\frac{1}{2}$ yards, at 33.....	30 11
2 " brown drill, 83 $\frac{3}{4}$ yards, at 35 cents.....	29 31
2 " brown drill, 77 $\frac{1}{2}$ yards, at 45 cents.....	34 87
1 piece Canton flannel, 37 $\frac{1}{2}$ yards, at 37 $\frac{1}{2}$ cents.....	13 87
No. 1, 4 pieces brown shirting, 181 $\frac{1}{2}$ yards, at 17 cents.....	30 86
No. 2, 4 " do. do. 164 $\frac{1}{2}$ yards, at 19 cents.....	31 25
No. 3, 4 " do. do. 180 $\frac{3}{4}$ yards, at 25 cents.....	45 19
No. 4, 5 " do. do. 219 yards, at 32 cents.....	70 68
No. 5, 4 " do. do. 175 yards, at 35 cents.....	61 25
No. 6, 2 " do. do. 86 $\frac{1}{4}$ yards, at 40 cents.....	34 60
2 dozen wool shirts, at \$18.....	36 00
1 piece black silk, 45 yards, at \$1 50.....	67 50
2 pieces ship's valencia, 99 yards, at 37 $\frac{1}{2}$ cents.....	37 13
3 " colored Canton flannel, 121 $\frac{1}{4}$ yards, at 28 cents.....	33 95
4 " plaid gingham, 168 $\frac{1}{4}$ yards, at 28 cents.....	47 11
1 pound sewing silk.....	7 00
Boxes and drayage.....	5 50

2, 196 53

Mr. CHAREES WHITLOCK

Bought of MILES & HOPKINS:

10 barrels 550 P. R. sugar, 264—18; 291—18; 260—18; 256—18; 250—18; 268—18; 263—18; 252—18; 263—18; 276—18=2,643—180=2,463 pounds, at 15 cents.....	\$374 95
5 barrels 275 white sugar, 266—18; 259—20; 256—22; 265—18; 262—22. =1,306—100=1,206 pounds, at 19 cents.....	231 89
10 barrels 1,250 molasses, 41 $\frac{1}{2}$ —1; 42—1; 44—1, 44 $\frac{1}{2}$ —1; 43—1; 43 $\frac{1}{2}$ —1; 47—1; 45—1; 46—1; 45 $\frac{1}{2}$ —1=442—10=432 gallons, at 60 cents.....	271 70
5 bags Rio coffee, 809 pounds, at 39 cents.....	315 51
1 chest imperial green tea, 62—15=47 pounds, at \$1 75.....	82 25
1 " imperial green tea, 56—14=42 pounds, at \$1 50.....	63 00
25 boxes concentrated lye, 100 dozen cans, at \$2 75.....	275 00
4 dozen hoes, 1 \$4 75; 1 \$5; 1 \$6; 1 \$6 50.....	22 25
4 " axes, at \$13 50.....	54 00
2 " shovels, 1 \$11; 1 \$10.....	21 00
2 " spades, 1 \$10; 1 \$8.....	18 00
10 casks nails, at \$5 35.....	53 50

6 kegs bread soda, 672 pounds, at 9 cents, hhd. \$1.....	\$61 48
15 sacks G. A. salt, at \$2 75.....	41 25
10 " dairy salt, at \$5; 620 bags, at 8 cents.....	54 60
4 cases dry goods, as per invoice.....	2,196 53
No. 1, case 5 dozen pearl and drab hats, at \$15.....	75 00
No. 1, " 1 " pearl and drab hats.....	18 00
No. 2, " 4 " fine black hats, at \$26 50.....	106 00
No. 3, " 6 " nutria Saxony hats, at \$12.....	72 00
No. 4, " 6 " boys' fancy hats.....	54 00
No. 5, " 6 " black and pearl gala hats, at \$12 50.....	75 00
No. 6, " 2 " men's Hungarian hats, at \$25 50.....	51 00
6 cases.....	3 00
Add 12½ per cent.....	56 38
Large cases to pack hats.....	3 00
ONE CASE:	
1 dozen three-hoop painted buckets.....	2 75
2 " two-hoop, 1 \$2 50; 1 \$2 60.....	5 10
1 " spruce.....	3 50
6 nests washing tubs, at \$6 25.....	37 50
1 box rolling pins.....	2 00
4 nests flour pails, at \$1 50.....	6 00
1 dozen sugar boxes.....	3 75
2 half-bushel measures, 1 peck measure.....	2 20
3 gross small blacking.....	10 50
	4,723 29

The following letters of Mr. Lane will show pretty clearly the destination of the goods:

"BALTIMORE, MARYLAND, April 4, 1864.

"GENTS : In reply to your proposition I would state that I will deliver to you goods in Edenton, Chowan county, or vicinity, at such points as I may be permitted to, at seventy-five (75) per cent. advance on the original cost in Baltimore; and any return cargoes of goods which I may bring for you from that vicinity to Baltimore, I will do for one-half the net profits on such goods; which interest shall be paid immediately after sale has been made.

"Very respectfully,

"G. W. LANE.

"Messrs. MILES & HOPKINS."

450. Where is G. W. Lane at the present time?

I do not know; I heard that he was in the custody of the Navy Department.

451. State anything further that occurred in relation to the Philadelphia.

In my conversation with Lane, I showed him where I thought his papers were illegal, that it was clear that his goods were intended for North Carolina; that his vessel was cleared for Fortress Monroe, which was evidently a fraud. If he intended to go to North Carolina, I told him I thought he had better have the collector give him a clearance for the place of destination. He said that it was a new thing, and that he thought it could be arranged better at Fortress Monroe; that General Butler intended to give him a pass at Fortress Monroe, which would enable him to take his steamer through the canal, from Norfolk, to the Chowan river, in the neighborhood of Edenton. The statement was so unsatisfactory to me that I determined to retain his vessel until I could hear from the War Department, and if they directed the release of the vessel I would release it; but he released it himself that night. I know of his being taken twice since; once by General Palmer, and by the fleet the second time. The following communications were addressed to Judge Turner, of the War Department, on the subject:

"BALTIMORE, April 12, 1864.

"SIR: I desire respectfully to call the attention of the War Department to the enclosed copies of letters and papers found aboard the steamer Philadelphia this morning when about leaving her wharf, with assorted cargo, consisting of dry goods, groceries, and hardware, for Fortress Monroe, Virginia, shipped by G. W. Lane, formerly a contractor of this city, to a Charles Whitlock, purporting to be at Fortress Monroe, Virginia. I am informed by Mr. Lane that General Butler has promised to give a permit, on recommendation of the President, (copy of a copy enclosed,) when he thinks it proper and prudent to go into North Carolina. One of the papers enclosed mentions a transaction relative to taking goods to Chowan county

by G. W. Lane on a proposition made by Miles & Hopkins, which I thought worthy of attention under the circumstances, as the goods found aboard the steamer are the same that Miles & Hopkins tried to send south by the schooner Ann Hamilton. Mr. Lane informs me that he purchased the goods of Miles & Hopkins, and expects that General Butler will let him take them to North Carolina, and bring out products from that county. I also found among the papers a copy of my letter to you, dated February 9, about the steamer Princeton. One of the notes enclosed is from E. Richmond, of Washington, who expects to meet the steamer in Cornfield harbor, on the Potomac river.

"I found her papers and clearance all regular, but will detain her until I hear from you by telegraph.

"Yours, &c.,

"J. L. McPHAIL,

"Provost Marshal General, State of Maryland.

"Major S. C. TURNER, Judge Advocate."

"OFFICE OF THE PROVOST MARSHAL GENERAL OF THE STATE OF MARYLAND,

"Baltimore, April 13, 1864.

"DEAR SIR: The propeller Philadelphia, which I reported to you yesterday as having certain goods cleared for Fortress Monroe, which were intended, per papers found and statement of Mr. G. W. Lane, for North Carolina, left the wharf late this afternoon, while my men were temporarily absent. I presume some new arrangement was made with the custom-house authorities, as she left her papers in my hands. I had stopped her upon the suspicious circumstances surrounding her cargo, and with the apparent approval of Captain G. W. Lane, the owner, who expressed himself desirous of doing nothing wrong, and hoped he would be put right in the matter. I expressed to Captain Lane that it was my opinion that goods intended for North Carolina should be so cleared; if by Fortress Monroe, it should be North Carolina, *via*. Fortress Monroe, Virginia.

"I have just seen Collector Hoffman, who told me that Captain Lane got duplicate copies of his papers to-day; and as the cargo was properly manifested, he saw no reason why she should not be permitted to go as cleared to Fortress Monroe, and that would be the place to settle the affair. This accounts for her leaving. I regret it; but she can be stopped at Fortress Monroe or Cornfield harbor, in the Potomac, by either letting Com. Parker, at Point Lookout or Washington navy yard, or Admiral Lee, at Fortress Monroe, know of the matter.

"Respectfully, yours, &c.,

"J. L. McPHAIL,

"Provost Marshal General of the State of Maryland.

"Major S. C. TURNER,

"Judge Advocate, War Department."

"BALTIMORE, April 13, 1864.

"The propeller Philadelphia left this evening, after notice had been given not to leave until the War Department had been heard from. Com. Lee, at Fortress Monroe, and Com. Parker, at Point Lookout, ought to have notice of it at once, to apprehend her, if necessary. She may stop in Cornfield harbor.

"J. L. McPHAIL,

"Provost Marshal General of the State of Maryland.

"S. C. TURNER,

"Judge Advocate, War Department."

451. Do you know anything of more recent exploits of G. W. Lane?

None to my knowledge.

452. Do you know anything further of transactions of this description?

Nothing, that I recollect, that is illegal. Of course, while acting under the orders of the army of the Potomac I may have known of goods taken out by spies, but that is pretty much all.

LEONIDAS HASKELL called, sworn, and examined.

By the chairman :

453. Be good enough to state to the committee your residence and business.

I am living temporarily in Washington; my residence, however, is in New York. I have no particular business at this time; I was in the army last summer.

454. In what capacity were you serving in the army?

As major.

455. In what branch of the service?

As a staff-officer of General Frémont.

456. Have you, since the breaking out of the rebellion, been connected in trade with the rebellious States? If so, when, with whom connected, and to what extent?

Within a few months, about September, I undertook to do something under the law regulating the trade between the United States and the insurrectionary States. About that time I resigned my commission. Before General Frémont withdrew from the presidential canvass, I had conversations with Mr. Martin, of the Ocean Bank, and Mr. Dole—with Mr. Dole first, and Mr. Martin afterwards. Mr. Dole wished me to use all the efforts I could to induce General Frémont to withdraw. It did not require any effort on my part; I did, however, express my opinion to him. He did withdraw. Mr. Dole expressed himself very much gratified, and said anything he could do for me in regard to the cotton trade he would be very glad to do. He introduced me to D. Randolph Martin. I had been in the army for a long time, and made no money. The representations made to me by Mr. Martin were flattering rather than otherwise. We were talking over the matter. He told me about the regulations that would be adopted, and made suggestions about them. He told me how these regulations would operate, &c. It looked very fair. I had known parties who professed to have brought out cotton. It was finally decided that, for their influence in getting this permit, which I foresaw would take considerable time and trouble, Mr. Martin and his friend should have two-sixths of the profits of the transactions; that, as a sort of brokerage, I should have one-sixth of the profits, and the other half go to the parties who had out the cotton. I spent considerable time and labor in the matter, and got up a couple of applications of that kind, or got parties to make out applications. There seemed to be a long delay in getting the regulations fixed and the permits signed. The result was, Mr. Martin informed me that these two particular cases could not be got through; that the President or Secretary would not sign them; but as his friend Ellery was appointed at Memphis, if I would go there he would do anything he could do for me. But after making some investigations, I saw plainly I could get no cotton in Memphis. It was a kind of business I could not very well do, and I declined to go to Memphis, so that the matter with these gentlemen all fell through. They got their permits and went on, but I had nothing to do with them. My mind had been directed to making something out of cotton, and I disliked to abandon the project. I met B. F. Camp accidentally, and learned something of the manner of getting these things. He said to me that if I would give him the same interest I had agreed to give Mr. Martin he would get me a permit. I told him to do it, and Mr. Camp undertook it. After quite a long time Mr. Camp did bring me two permits, or whatever they are called that he had obtained.

457. In whose names were these permits or certificates issued?

The first one was to Lazare, Camp & Brooks, and the second to Norris, Champion & Camp.

458. Who are Champion and Camp?

J. D. Champion and B. F. Camp.

459. Who is Lazare?

Mr. Lazare is a gentleman I got acquainted with at Cairo in the winter of 1861; he had a contract for baking bread for the post of Cairo. I met him in New York, and in the course of conversation he told me he had cotton in Mississippi, and that he had General Sherman's permit to get it out, or permitting the party of whom he had purchased it to bring it out. His representation was very fair, and the order of General Sherman seemed to be valuable.

460. Did you see General Sherman's order?

Yes. When the permits came back, this one for Lazare, Camp & Brooks, Lazare not understanding that Brooks was to be a partner, declined to have anything to do with it. Mr. Brooks is a young man from California, son of a very warm friend of mine. I wanted to be represented in the business some way.

461. And is Mr. Brooks's name was put in for yours?

Substantly for me.

462. Is that the contract you refer to? (contract heretofore embodied in the testimony under question 294.)

Yes, sir.

463. Who is the certificate given to now?

It appears now to be given to Henrie Lovie, Camp & Brooks.

464. Is it the same contract originally given to Lazare, Camp & Brooks?

It is the same paper.

465. How did Mr. Lovie's name come to be there?

I will explain all that I know about it. Mr. Lazare concluded not to have anything to do with the matter. Martin was to have half of the net profits, provided that permits were obtained that would allow goods to be taken into the rebel country. Martin presumed that that permit would take goods in where cotton was to be brought out. Mr. Lazare did not so understand it. He concluded he could get a permit as well as Martin, and declined to sign the contract. This paper was handed to me by Camp, at the Treasury Department.

and was taken to New York to be signed, but Lazare declined to operate on this, and declined to sign the contract. It went along that way for some time. I felt very much annoyed about the matter; I had spent a good deal of time in reference to it. I finally found a Mr. Tibbits, who was stopping at the Fifth Avenue hotel. He appeared to be a very fine man. He said he could make use of the contract and operate under it. He said he would introduce me to his partner, and he did so. I found his partner to be Mr. Lovie, an old acquaintance of mine. It was proposed that Lovie should take the place of Lazare in the operation. I told Camp there was an impediment in the way; that I would not advise any one to operate under the permit without Lazare's consent at least. Camp said if I would give him the permit, he would get the President's authority to alter it. As the certificate had not been signed, I saw no objection to that, any way. The same day I met for the first time Mr. Conatty, who was there, at the Astor House, with Mr. Risley, doing some business. I said to him, that Mr. Camp desired to send these papers back to Mr. Risley to have some alterations made, and that if he would go down with me, I would introduce him to Mr. Tibbits, who would explain to him the alterations he would like to have made. We went down to a Mr. Kimball's office in Wall street. I handed Mr. Conatty the papers. Mr. Kimball said the only alteration required was to have Mr. Lovie's name substituted for that of Mr. Lazare. Mr. Conatty took the papers, came on to Washington, and in a few days they were returned as they are now. I should have remarked that Tibbits said that if we could get a part of Louisiana, it would be a great advantage to us. Subsequently Tibbits and Camp had a conversation, in which I do not believe they agreed well, and after that Tibbits declined to have anything to do with it. The contract had been reduced to writing, but it had never been executed; nothing more was done about it; I took the papers; Camp asked me for them several times, but I kept them; the last I knew of them they were at my boarding house, at the Irving House, New York.

466. Do you understand that the regulations of the Treasury Department require some man to say that he has cotton in his control before any certificate can be granted?

So I have understood. I suppose parties made general statements in regard to the matter. I would not like, myself, to say I controlled a certain amount of cotton unless I had it within my control.

467. Lazare was the man who was supposed to have cotton within his control, was he not?

Yes, sir.

468. And he was the one upon whom this whole thing was bottomed?

Yes, sir; upon him entirely.

469. The certificate was issued upon the ground that he had purchased and had the control of cotton?

Yes, sir. You will find his affidavit in the Treasury Department, that he had cotton in his control.

470. Was it the rule in the Treasury Department that such an affidavit should be filed before a certificate could be issued?

It is not now, as I understand. We presumed it would be then, and therefore the affidavit was filed.

471. What other reasons had Mr. Lazare for drawing out of the transaction, beside the one you have stated?

I do not know of anything else; I had but little conversation with him after I found he was dissatisfied with the arrangement that had been made.

472. Was this alteration made at your suggestion?

Not on my suggestion. Camp told me he could have it made.

473. Did you speak to Mr. Conatty about it?

I told Mr. C. to see Mr. Tibbits, and handed him the papers.

474. Was the alteration made there?

I do not know where the alteration was made.

475. Did you talk with Mr. Risley about this?

No, sir.

476. Did you tell Mr. Conatty that you had talked with Mr. Risley?

No, sir; I told Mr. Conatty that Mr. Camp had said, not that Mr. Risley could make the alterations, for I did not suppose Mr. Risley could alter anything except his own certificate, but that he could get the alteration made.

477. Who was it proposed should make the alteration?

Mr. Camp said he would get the President to have the alteration made; I presumed it was made by his order, and up to the present time I have no knowledge that it was not made by order of the President.

478. Are you certain you never told Mr. Conatty that you had talked with Mr. Risley, and obtained his consent to have the alteration made?

No, sir; I had not seen Mr. Risley; I have never had fifteen minutes' conversation with him.

By Mr. Perry:

479. Was not this change made at the Astor House, New York?

I cannot tell; I gave the papers to Mr. Conatty, who came on here, and while he had the papers the change was made. I do not know when it was made, or who made it.

480. How long were the papers out of your possession?

I suppose not more than three or four days at most.

481. Do I understand anything was ever done under that contract?

Not a thing.

482. Be good enough now to state in regard to the certificate in which the name of Norris appears. Who was Norris?

Norris was an old Californian from 1842, a man of a great deal of property in real estate, and well known. He became deaf from pounding given him by squatters. Subsequently he traded his farm for land in Texas, and his property in Texas was taken by the rebels. When General Banks proposed to go there last year, he went in advance of the army, secured some cotton, and paid for it, as he alleges, and as I have reason to believe he did; some 6,000 bales in all. The rebels told him they would not burn his cotton, but would let him get it out if he could. I met him at the Metropolitan hotel, in New York, and told him about this proposed venture. It occurred to me, as I knew he was a loyal man, and a man who really owned cotton, or controlled it, at any rate, he would be a good man to be interested with. He made an affidavit that he owned cotton, which affidavit is on file in the Treasury Department. I asked Mr. Martin to obtain a permit for Mr. Norris to get his cotton out. Norris had agreed also to give Mr. Martin one-half of the profits, but, as I remarked before, Mr. Martin failed to get the certificate.

483. Was anything further done with that certificate?

Yes, I gave that case also to Mr. Camp.

484. For how many bales?

13,000. Mr. Norris only claimed 6,000, but when the certificate came back it was for 13,000, and the names of Champion and Camp were also in it.

485. Who had the other 7,000 bales?

I do not know.

486. Were Champion and Camp in situations to own or hold property in the rebel States?

Champion may have been; I do not know. I should suppose Camp was not. I do not know why it came back in that way. Norris declined to have anything to do with it in that shape, and nothing was ever done under it.

487. Have you been connected with any further transaction in relation to this matter?

Yes, sir; one other.

488. State the circumstances and what was done.

Some time after this meeting with Conatty in New York, in January I think, Conatty told me he could get me a permit to operate in Augusta. There was a man from Augusta in New York who told me he had cotton there, and gave me a memorandum of the place where his cotton was in Augusta. He told me he would give me an interest in that cotton, and I agreed to go into it. Mr. Conatty proposed that he should have one-quarter of the profits; to which I assented. He asked me if he should use my name. I said yes, and Mr. Conatty then got a permit in the name of Conatty & Haskell for 20,000 bales of cotton. I never saw Mr. Risley about it at all.

489. Who made the application?

Mr. Conatty. I had no words with Mr. Risley on the subject.

490. Have you that permit now?

It is in the hands of a man from Savannah.

491. In whose hands is it in Savannah?

In the hands of a man by the name of Bell.

492. Who is Mr. Bell?

He was years ago in California. He was an elector in 1856 on the republican ticket in California. I think he has been in the east ever since.

493. What did you send out to purchase this cotton with?

Nothing.

494. Who was going to furnish the money?

Mr. Bell was going to furnish the money?

495. What were you and Mr. Conatty to do?

Nothing at all. We put in our talent—nothing else.

496. Have you heard anything of the operation since?

I heard indirectly from Bell, but I do not think he has been doing anything under the permit.

497. Are these the only transactions you have had in reference to this description of trade?

Yes; they are the only transactions I have had anything to do with.

498. Have there been any transfers made to you in connexion with any cotton transactions with other parties?

Yes; Mr. Norris gave me a contract for one-sixth interest in his cotton, which contract I suppose he has abandoned, as he has done nothing under it.

499. Do you know of any cotton transactions in which Beverley Tucker has been engaged? I know of one in which some parties undertook to have him engaged?

500. Who were the parties who undertook to have him engaged?

Mr. Durant.

501. Who is the Beverley Tucker you refer to?

There is only one I know of by that name.

502. Who do you understand him to be?

I understand him to be a rebel in Canada.

503. What do you understand the transaction between him and Mr. Durant to have been?

I understand Mr. Durant undertook to contract with Mr. Tucker to get out cotton.

504. What do you know about it?

I know he undertook through Colonel Baker to make some arrangement with Beverley Tucker, but it was not carried out, as I did not suppose it would be.

505. What arrangements were there?

The arrangements were, as I understood them, to make a contract by which Mr. Durant was to deliver a certain amount of goods for a certain amount of cotton to be delivered by Beverley Tucker.

506. What kind of goods?

Pork, I think it was; there was some talk about salt, but I think pork was the article to be contracted for.

507. How large a contract?

It strikes me for 10,000 bales of cotton.

508. Will you state what you know about this paper, which purports to be a draft?

No. 1.

"For and in consideration of one dollar to me in hand paid by Leonidas Haskell, the receipt whereof is hereby acknowledged, and for other valuable considerations, I hereby agree to pay over to the said Haskell one-tenth part of all profits which may be made in any transaction with Beverley Tucker in 10,000 bales of cotton, as well as in any other cotton or any other merchandise taken in or out of the confederate lines under the regulations of the Treasury Department, in which said Durant and Tucker may be interested. The profits shall be estimated by reckoning the actual cost of the merchandise and the actual cost of the cotton at the point of purchase, adding only cost of transportation and United States taxes. No other charge shall be made against the business. I also agree to pay said Haskell fifteen hundred dollars on demand for expenses. A true and accurate account of said business shall be kept, subject to examination by said Haskell."

Witness Yes, sir; that is a copy made by Mr. Durant himself, which was never fulfilled.

509. Was an instrument of that kind signed?

I think so; I never saw it, but I think it was signed.

510. And by that you became interested to the extent of one-tenth?

Yes. Mr. Durant proposed to give me an interest to that extent.

511. Do you know what further has been done in the matter thus far?

I do not think anything has been done with it.

512. Was there any other instrument between you and Mr. Durant?

No, sir; none that I know of.

513. Anything of this kind?

No. 2.

"For and in consideration of one dollar to me in hand paid by Leonidas Haskell, the receipt whereof is hereby acknowledged, and for other valuable considerations and services to be rendered, I hereby agree to pay over to the said Haskell one-tenth part of all the profits which may be made out of the proposition of Beverley Tucker to contract for 10,000 bales of cotton, in payment of which he is to receive a certain amount of pork, as well as in any additional number of bales of cotton to which the proposed contract with the said Tucker may be extended, and taken out of the confederate lines under the regulations of the Treasury Department, or upon any purchase of cotton by exchanging merchandise, or otherwise, in accordance with said provisions and regulations, through said Tucker.

"I also agree to pay said Haskell fifteen hundred dollars on demand for expenses. A true and accurate account of said business shall be kept, subject to examination of said

Haskell, after the cotton is sold and accounts made up, which shall be done within four months.

"And if nothing can be accomplished within sixty days the contract is void.

"OCTOBER 10, 1864."

Witness. I think that is the one he altered and the one which he subsequently signed, if he signed any.

514. Did he ever pay you this 1,500 dollars?

No part of it.

515. For what reason?

I never asked him.

516. Would he have paid you if you had asked him?

I think he would if I had asked him.

517. In whose hands is the paper which is signed?

The paper is in the hands of R. W. Latham; I have a receipt for it, although I have never seen it; I am very sure that this draft "No. 2" is the one that was signed.

518. What explanation do you give of the interlineation in this draft of the words "or otherwise?"

I knew Mr. Durant had a permit to get out cotton; I did not want to be confined to a partial interest in the transaction.

519. Did there a difference grow up between you and Mr. Durant as to how much this covered?

There was never any controversy; I never had a word with Mr. Durant.

520. Did not Mr. Durant make the point "that you were to have no profit out of any cotton not obtained in exchange for merchandise?"

So Mr. Latham told me so; afterwards there was a sort of contract of some sort or other about it, but I abandoned the whole thing.

521. Will you look at that memorandum; see if it is a fair statement of the matter?

"The Durant and Tucker cotton matter stands about this way:

"Durant has an order to bring out two or five thousand bales of cotton from Florida. D. R. Martin also has an order to bring five thousand bales out of the same place. Those orders are suspended and will be held until they obtain Mr. Seward's decision that *Tampa Bay* is a *tributary* of *Pensacola Bay*, which Martin feels confident of getting, after a while. Now, neither of them have any cotton, and don't expect to get any out, unless they can get some one to arrange on the rebel side, and T. is the only man they rely on. My contract with Durant is as follows: (The one I handed him to sign is marked No. 1; the one he did sign is marked No. 2.) You will see there is a difference, and the point Durant makes is that I get no profits out of any cotton *that is not obtained in exchange for merchandise under the treasury regulations*, excluding me from any interest in the profits of the cotton on the orders he has obtained from the President. The paper was not given me until after my friend went into the room, and then it was too late to make a row. As I feared the thing might burst up, and as I felt sure that the orders for the 10,000 would be paid, I protested against the alteration when I saw Durant, and he promises it will be all right, and if he will insert the words "or otherwise" in the agreement, I shall be satisfied, and one word from you will get that inserted. I write this that you may understand it, and I would like to arrange to take out say 5,000 bales, by giving 30 cents per pound in greenbacks, delivered at our lines, and then give him one-third of the net profits of the operation."

Witness. Yes, that is a fair statement of the matter.

522. Did you ever have any correspondence with Beverley Tucker, directly or indirectly?

No, sir; neither directly nor indirectly.

523. Do you know what correspondence Mr. Durant had?

I never saw any correspondence, and I never heard him talk of any correspondence with Beverley Tucker.

524. What did Mr. Durant say in reference to this arrangement with Tucker?

He thought it legitimate. He claimed that it did not make any difference under this law who brought out the cotton—that Jeff. Davis might bring out cotton under this law.

525. And receive pork in return?

And receive goods. There was a question about pork. I believe Mr. Durant thought he could receive pork as well as anything else, but as to the contract with Tucker I did not believe he could make it to give pork. Train told me he had arranged all this matter.

526. By this arrangement you were to be interested one-tenth, in consideration of valuable services rendered. What services were they which were to entitle you to one-tenth interest in the profits?

I do not know that any services were specified.

527. Were you to have one-tenth profits without any particular services?

I do not know. You know that a person gets into these things, without really understanding how.

528. You say you could have \$1,500 of Mr. Durant by asking. Why do you think you could have the money, if nothing has been done in the matter?

I do not know why; I never asked him.

By Mr. Perry:

529. Have you contributed your part of the expenses for working the thing up?
No general expenses. I have paid my own private expenses.

530. Did not each partner pay his proportion of the general expenses?
Each paid his own personal expenses.

531. You say Mr. Martin failed in this instance in procuring permits. Do you infer from that that it is a difficult thing to procure these permits?

Yes, sir. It is so difficult that I have not been able to do so myself.

532. Are they considered valuable if they can be got?

Yes, sir, they are considered very valuable. I think they have been sold at high prices. So I heard; I never offered any for sale.

533. Do you know of any being sold?

Not of my own knowledge. I heard of one man's interest being sold out for money.

534. For how much?

A check was handed to him for 2,000 dollars.

By the chairman:

535. Who was that?

Moore, of Conatty's firm; I was told that a check for 2,000 dollars was given Moore for his interest.

536. Given by Mr. Cooke?

Yes, by Mr. Cooke.

537. Do you know of any further transactions in connexion with trade with the rebel States?

I might state many other matters, but nothing of importance.

538. Do you know a Mr. Olney?

Yes.

539. Where does he live?

In Brooklyn.

540. What is his first name?

J. W. or J. N.

541. Where is he to be found?

No. 17 Nassau street.

By Mr. Perry:

542. Do you know of any parties who have brought out cotton under these permits?

I heard of one man this morning, a Mr. Palmer, who had brought out 300 bales to New Orleans. He is about the first I heard of.

543. Has Mr. Olney had any connexion with this trade?

He has not; there was a conversation in reference to him. Mr. Camp asked me if I knew any one who knew of cotton, or had facilities for getting it out. I had been acquainted with Mr. Olney. His wife was in the southern confederacy somewhere. I talked with him about it; introduced him to Mr. Camp, and they had some conversation in regard to the matter, but Mr. Olney would not have anything to do with it.

544. Have you seen Mr. Olney recently?

I have not seen him since that time.

545. Have you seen him within a few days?

No; I do not think he has been in this city for some time. The last time I saw him was in New York, some ten days ago.

THURSDAY, February 2, 1865.

Members present:

Representatives.

Mr. WASHBURNE, chairman;

ELIOT,

WARD,

Representatives.

Mr. LONGYEAR,

DIXON,

PERRY.

Captain ALEXANDER M. PENNOCK called, sworn, and examined.

By the chairman:

546. Please state your official position.

I am captain in the navy of the United States.

547. Where have you been stationed since the breaking out of the rebellion?

At Cairo a great part of the time, in command of the Mississippi squadron.

548. Does your position afford you an opportunity of knowing anything in respect to the trade with the rebel States?

To a limited extent.

549. What has been your observation on that subject?

My observation has been that the effect of the trade which has been carried on was to give aid and comfort to the enemy.

550. In what respect?

I think that the effect of sending goods beyond our lines gives aid and comfort to the enemy, because I think it is impossible for any loyal man to go outside our lines and retain goods in his possession. Take, for instance, the neighborhood of Columbus, Memphis, or anywhere else near the rebel lines, a loyal man would be allowed to take goods into the rebel lines, but if he was really loyal he would not be permitted to retain and own them.

551. To what extent has this trade been carried on as far as you have been able to judge?

I know that when Memphis was first captured, a large contraband trade was attempted to be carried on.

552. When was this?

I think Memphis was captured about two and a half years ago. It was our daily practice to capture goods contraband of war, on their way to the enemy.

553. What were these articles as far as you know?

Clothing and quinine in quantities. Before the trade was opened with Memphis, these people were suffering intensely for want of quinine. Now we do not hear of any complaint in that quarter of a scarcity of that article. Before that time it was held at fabulous prices. I have seen myself a man carrying a valise in his hand, as if it contained wearing apparel, but when it was examined it was found to contain quinine. Boxes of it have been found under various pretences. I have known ladies carry it around their waist in little bags, probably a foot and a half long, and wide enough to contain two jars of quinine. Quinine was carried down under various pretences in large quantity. It seemed to be an article more sought for in this contraband trade than anything else.

554. What has been your observation of the trade at a later period than that of which you speak?

I have had very little opportunity of judging until very recently under the late law. I repeat that I am satisfied entirely, in my own mind, that all this trade outside of our lines is detrimental to the best interests of the government; for instance, at Paducah, which is at the mouth of the Tennessee river, stores are allowed to be filled with goods; after a while there is a raid on the part of the rebels, who take possession of them. They fill up again in a short time, and are emptied by another raid. The inference is that these men are not going to fill up their stores and allow the goods to be taken if there is no collusion between them and the rebel raiders.

555. Then your inference is that in these raids there is an understanding between the rebels and the owners of the goods?

That is my impression, and it is the impression I have acted on when in command. I have had frequent applications coming to me to indorse permits, but I have invariably refused. During the whole time I have been out there I have never indorsed a single permit, for the reason that I believed it would be giving aid and comfort to the enemy.

556. To what extent, so far as you can judge, has this trade in contraband goods been carried on since you have been stationed at Cairo?

It has been carried on to a considerable extent. Reports have been made to me by the commanding officers of vessels of boats which have landed at other than military points on the river—contraband goods, and goods which would not have been permitted to land at the regular points.

557. Do you know to what extent this trade has been carried on at Memphis?

No, sir; I do not know enough about that point to give very definite information. About three months ago I was at Memphis, and it was reported that a boat had landed a few miles above. I was in command at that time. I knew that the attempt was being made to cross over rebel troops to re-enforce Hood. I had received a despatch from General Canby that an attempt would be made to cross above Fort Pillow that night, and I ordered the gunboats up, and that very night this steamer landed near Randolph for eight bales of cotton. The consequence was that she was captured, and three paymasters on board of her shot. Fortunately the boat was recovered, or it would have been used to cross over the rebel troops as they intended.

558. Were the paymasters robbed of their funds?

No, sir: they had no money along. There is no doubt, however, that the intention was to secure the money supposed to be in charge of the paymasters, for as soon as the guerillas came on board they inquired for these paymasters; and all this risk was incurred for eight bales of cotton.

559. Then, according to your understanding, the guerillas were apprised that paymasters were on board?

They seemed to understand it, and I have no doubt they did. So anxious were the rebels to re-enforce Hood, that they would cross over twenty or thirty men wherever they found the opportunity; and it was at that time, to prevent facilities for these men to cross, that I did not want any vessels to land anywhere except at military points, and under the guns of the gunboats.

560. What is your judgment as to the best means of curing this evil which has arisen from the carrying on of trade with the rebellious States?

I would not permit boats to land anywhere on the river except at certain designated points of military occupation.

561. Would you allow these boats to take any articles in trade down except such as should be certified to by a military commander?

Such as should be certified to by the custom-house authorities and the military commander, and boats should be prevented from landing except at military posts. The goods, before being permitted to land, should be taken out of the boxes, so as entirely to satisfy the party inspecting them that no fraud is attempted to be perpetrated, and that, under invoices of legitimate merchandise, goods contraband of war should not be allowed to go into the enemy's lines.

562. What do you think of the late law by which trade is authorized with the insurrectionary States, upon the permits given?

I would not give them supplies of any kind for cotton.

563. You think, then, the effect of that trade, so far as you observed it on the Mississippi river, has been greatly prejudicial to the public interest?

Yes, sir; for instance, goods will be allowed to be taken into Kentucky to the rebel lines, under the name of what are called "family supplies," and under that name they will take enough to feed two regiments. The effect is, it only invites raids. For instance, a short time ago you will recollect what difficulty we had in protecting Paducah and Columbus. It was as much as we could do, in connexion with the small military force we had in that vicinity, by moving from one place to another, to protect those points. We had information, which I have no doubt was reliable, of Forest's intention to capture Paducah, and then proceed across to burn the naval depot at Mound City.

564. What is the opinion, so far as you know, of the military and naval men on the Mississippi, who have had the best opportunities of judging on this subject?

I believe the opinion of naval officers is, that there should be no trade at all with the interior. They go upon the principle of taking all out you can, and allowing nothing to come in. Most of the military officers with whom I have conversed upon the subject are of the same opinion. General Brayman, for instance, with whom I have conversed, and who, I believe, has been examined by the Committee on the Conduct of the War, is of that opinion. He spoke of the so-called loyal men of Paducah; one of these men would get a permit to send wagon loads of goods beyond our lines; there they would be received by his partner, who was a rebel, and had a permit from General Forest, and who would dispose of the goods within the rebel lines. It is not uncommon to find so-called loyal men there having partners within the rebel lines.

Do you know of any particular transactions which will illustrate the effect of this trade?

There are many instances of the kind I have mentioned. General Brayman states that a large number of wagons were permitted to leave our lines and enter the rebel lines and that it was done with the permission of General Forest.

565. Do you know under what authority parties acted who carried supplies from our side?

I do not; I have had frequently permits brought to me, given by military officers; at one time the order was issued not to permit any vessel to land, except under the guns of a gunboat; these vessels had to go there and show their permits, and an officer was required to be present and receive such articles as were proper to receive.

566. Do you know of orders being issued by military commanders forbidding boats to land except at military points?

I know that Admiral Porter issued a command that no boats should land except at military points, and under the guns of gunboats.

567. How long did that order continue in force?

It continued some months, and was then modified in consequence of some treasury regulation, which I do not recollect. I reiterated the order myself when in command of the squadron. I found it necessary to do so. I intercepted a despatch from Jeff. Davis, in which he directed that if men could not be crossed below to send them above, and capture boats on which to make the crossing. To prevent this a regulation was necessary requiring that boats should only land at certain points. Complaint has been made of this, that it was necessary for steamers to land to obtain supplies of wood, especially for packets, of which

there are several running regularly between St. Louis and New Orleans. That is, of course, a legitimate object; but certain points should be selected, and gunboats stationed to protect these points, and the boats landing not be permitted to take on anything but wood.

568. Then your judgment would be that boats should only be permitted to land, except at military points and under the watch of gunboats, and that the goods on such boats should be carefully examined before being allowed to land, and that no trade, whatever, should be permitted to persons outside of our lines?

That is my judgment. I would be perfectly willing to allow their cotton to come out, but I would not allow anything to go in. I have, myself, never given any permit, or in any way encouraged such trade, because I conscientiously believe it would give aid and comfort to the enemy.

By Mr. Eliot:

569. Will you state what course, in your judgment, could be prudently adopted by which cotton and other staples could be procured from within the rebel lines without such hindrance to the cause of the government as it has suffered from the present regulations?

I believe that the cotton may be purchased, and the purchase-money deposited in government bonds, for instance in five-twenties or ten-forties, the deposits to be made for three or five years, and not to be touched for that time. I think owners would be glad to sell under such conditions, if they could safely dispose of their cotton in that way, rather than run the risk they now do of seizure and confiscation.

By Mr. Perry:

570. Is not a great portion of the cotton now brought out obtained by exchanging for other commodities?

Yes, sir. I think, under the present regulations, too many persons are allowed to give permits.

571. What persons are allowed to give permits?

The treasury agents at St. Louis, Memphis, and at other places on the river. I have seen military permits to land "family supplies," and that expression, "family supplies," has taken a very long range.

572. Have you seen permits signed by the President?

I have never seen one signed by the President.

Colonel JOHN EATON, jr., called, sworn, and examined.

By the chairman:

573. Be good enough to state your official position.

I am colonel of the sixty-third regiment United States colored troops, and superintendent of the Contraband Department for a portion of the Mississippi valley.

574. Where have you been stationed for the last three years?

I was first placed in charge of the colored people by General Grant, at Grand Junction; then, as the army moved down, my jurisdiction was extended over the country. My office was for a time, and has been most of the time, at Memphis. It was for a time in Vicksburg. My inspections have been over the field in person, having officers at various military posts.

575. Does your position enable you to see much of the trade which is carried on with the rebellious States?

Yes, sir. The negro population constitutes almost the entire industry in that country, and through them a very large amount of information comes to me from various quarters of what has been going on.

576. State, if you can from your personal observations, what has been the character of the trade carried on, how carried on, and its extent.

My actual personal observation in respect to seeing goods carried to and from the rebel lines has been very limited. What information I have has been derived chiefly from others. I have a general knowledge and belief on the subject.

577. State your general knowledge and belief.

My first observation was in gathering an immense amount of abandoned cotton, with negroes set loose, by General Grant's order. This was turned over largely to the government. I afterwards learned that the government did not receive much of the cotton. Why, I do not know. This was over two years ago. The country then, in that region, was swarming with speculators, and every officer had to be on his guard to prevent being caught by the contrivances of these men. So adroit were they in their management, that it was very difficult so to arrange the plantation work that either the government or the negroes would get much benefit from it. After that we were for a time relieved from the pressure somewhat by an order, issued by General Grant, prohibiting trade in that region,

except such as was absolutely necessary for the wants of the people. After General Grant removed from the valley and extended his campaign to the east, the lines began to slacken up, and this trade came in again. Very soon it became known to me that there were small boats, plying secretly, carrying cotton—sometimes small steamboats, and sometimes canal-boats, which had been floated down from the canals on the Ohio river, and which went into the streams and bayous, and brought out cotton, taking in return supplies of various kinds. They sometimes succeeded in taking liquors, which seemed to be the most desirable commodity, but generally such supplies as were needed by the people. I have frequently known guerillas to come on these boats, drink freely, and take away such articles as were given them to purchase their favor. The trade went on increasing very rapidly until, at one time when I went to Memphis, an officer who had charge of one-third the picket line stated to me that goods were permitted to pass through his portion of the line at an average rate of \$50,000 worth a day, and that for the whole line \$100,000 worth a day would be a low estimate. This was nearly a year ago. At that time Forest was moving up into West Tennessee; his headquarters were at Jackson, the centre of a circle, the circumference of which may be supposed to touch at Paducah, Columbus, Cairo, Fort Pillow, and Memphis. The trade was pressing in at all these points, and I ascertained that supplies to a very large extent were finding their way to Forest's army. I was told by a loyal lady that she had seen a letter written by a lady in the interior to a lady at Vicksburg, stating that they were soon expecting to obtain abundant supplies; that General Forest was in West Tennessee, and that he was receiving goods through an arrangement made with parties in New York. These goods were to be landed at the various points I have mentioned, and were to be gotten through, if practicable, by permits; and if not, Forest was to attack these points, as he did actually attempt to capture Fort Pillow, it being the understanding that goods so captured by him were not to be considered as captured, but were to be paid for in money which he obtained in his raids. For a time they had a small force at the bridge where the Jackson road crosses the Big Black, east of Vicksburg, and it was stated to me by an officer of mine that as many as thirty-seven to forty barrels of flour a day were run up there and went into the possession of these troops. It was the general talk at that time, that Sherman's raid, the object of which was to destroy means of transportation and impoverish the country so as to prevent any large force from being supplied so as to operate on the Mississippi, was being entirely frustrated by this trade which was allowed to be carried on, and that this entire rebel force was being sustained almost exclusively by supplies received from within our lines. There was another feature which was brought directly under my eye, and which was connected with my own operations. Having the charge of the negro population, I was of course interested in everything which tended to quicken their industry, the object of my office being to make them self-supporting if possible, and if not self-supporting, to give them what assistance was necessary. It soon became apparent that men had managed to lease plantations whose relations to the rebels were such that they were able to secure their favor by some consideration, and it became a matter of general talk that many of these men had purchased the consideration of the rebels, and where the plantations were not under strong military protection, they actually enjoyed rebel protection by furnishing a large amount of supplies, many of which went directly to the enemy. The officers through whom permits to obtain these supplies came were constantly obliged very largely to reduce the amount applied for to go to these plantations, and much trouble grew up with the officers who had charge of these matters. The officer at Milliken's Bend was removed because he allowed too large an amount of supplies to go in this way, and another officer was put in his place. The first was a subordinate field-officer, and the second a colonel. About the time he was put in command I went up into Arkansas, to inspect matters, and I learned that the impression was that this officer had made some \$80,000 out of the interest which had been given him in the trade at that little point, and that he had resigned and had gone out of the country.

578. What was the name of that officer?

Wood. The little post of Waterproof, La., was established by agreement between Adjutant General Thomas and General McPherson, and occupied by troops, of which I was allowed to have control, for the purpose of giving protection to these industrial enterprises which had been started. The officer in command reported directly to my office. A store was allowed to be established at the post, which soon began to receive an immense amount of supplies for that little outside post, and one of the small steamboats was also tied up there. It was reported to me that about \$10,000 worth of goods a week was furnished. It was said to be done by collusion with General Tuttle, who was in command at Natchez, who was distinguished, as far as I know, more than anything else by his dislike to the darkey and for his efforts to reduce the negro to something like his old vassalage. After this trade business came to be known, he succeeded in getting out of the service. Just here let me say, that it is a most significant fact how much bearing this trade has had, not only upon

the virtue of officers who became dishonest, but upon the standing of officers who remained honest. Take an illustration: There was said to be a combination representing \$5,000,000 capital, the object of which was to carry on this illicit trade, and the policy they pursued was, that if an officer could not be induced by corruption to give such facilities as they desired, they were to bring whatever influence was necessary to have him removed; and there are a number of instances in which faithful and honest officers have been removed through influences so brought to bear.

579. Who composed this combination?

I could not tell all the parties. It was immense in its ramifications.

580. Name some of the parties?

I could not name them all; some of them were tried and convicted.

581. Convicted of what?

The charge was conspiracy. The commanding officer had issued a special order in regard to certain cotton, which order they did not obey, and they were convicted on that special charge, but pardoned. There are many instances I could mention of operations in corrupting officers, obtaining their removal, and in introducing supplies into the enemy's country; so that it very often happened that on expeditions into the enemy's country our soldiers would find abundant supplies of fresh northern goods.

582. Was there an order issued to arrest this state of things?

Yes, sir, and carried into effect most vigorously. Several steamboats, and I do not know how many canal-boats, were arrested in this illicit traffic.

By Mr. Perry:

583. Did not the parties who carried on this trade have permits?

Most of them had permits to trade.

584. Where did they get these permits?

They got them from the treasury office, and they were supposed to be approved by the commanding officer of the post, department, or district where they were located, but with their permits giving them authority to do certain things they would do other things.

585. Have you ever seen any of these papers?

I have not, except to procure individual supplies. Lately this river trade has become so immense, and my negro operations having given me a better knowledge of the river lines than others, General Dana has sent the papers to my office for approval, and I recollect that an application would come in for more than \$1,000 worth of goods for a small island containing only a few families.

By the chairman:

586. From your observation and experience in this whole matter of trade with the rebellious States, what, in your judgment, has been the effect upon the Union cause?

Most decidedly injurious. Any man outside of our lines with these large supplies coming to him can be just as comfortable as he wishes to be. He can supply all his own wants and send supplies to his friends in the rebel army. A negro came to my office who told me that he went into Memphis and brought a horse and saddle to the commanding officer of one of the rebel regiments from Mississippi, and that he had been in the habit, with another negro, of going regularly. It is not unfrequently the case, and I have learned of many individual instances of ladies of rebel officers coming through the lines to Memphis, obtaining their supplies and returning. Many persons have made large fortunes in running the blockade. Upon information furnished in some instances General Washburne has sent out expeditions and made captures.

By Mr. Ward:

587. Have you any knowledge how this cotton is brought from the interior to the federal lines?

In a great many ways. They bring it on their cars sometimes, and it is brought by horse and mule teams.

588. It is brought then by confederate parties to near the lines?

Yes, sir.

589. And then it is through these permits that our friends get possession of the cotton?

Yes; and our friends give something in return. I recollect that immediately after it became known there was to be a trade in cotton, the officers at Memphis in good faith tried to permit the cotton to come in, and in fact I do not know of any officer who would not be glad to let the cotton come in if it could come without goods being sent out in return. As soon as this permission was given, teams loaded with cotton came streaming into Memphis. As I have gone to my office I have seen wagons circling almost a whole square of the city, loaded with cotton. After a while General Washburn began to suspect that some of these parties were connected with the rebel army, and one day he arrested about three hundre

of them, when it was found that a large number had paroles from the rebel army in their pockets to bring out cotton. I will state another fact. It will be observed that some of these government plantations are practically outside our lines. An old scout came to me one day who had the reputation of being one of the best scouts in General Sherman's army, and who had suffered everything in our cause. He wanted some help. I told him if he could get on some lands in our lines I would secure for him negro labor. He said he would be glad to do so. I told him he could go anywhere within our lines, and that if he got a little outside there would be no harm, as I had no doubt the lines would soon be extended. He started, and with his old habit of scouting went about the country pretty extensively. When he came back he could hardly contain himself. He said he had been told that these people a little outside were loyal and he went to hire some of their lands, but they told him he would not be allowed to stay a month unless he had protection papers from the rebels. And it is a fact, I have no doubt, that a great part of this culture goes on under the protection of the rebels.

590. You would allow only the necessities of life to go into the confederate lines, in return for the cotton?

I would allow only the necessities, but here is the difficulty: A man is allowed to establish a store to furnish family supplies only, but it is for his interest, of course, to sell as much as he can, and his sales are likely to run up largely beyond the amount he is permitted to hold. The commanding officers everywhere in that region are obliged to detain their best officers to look after this matter, and they will in almost every instance cut down applications for permits for one thousand dollars' worth of goods to two or three hundred dollars.

591. Are persons holding these permits to buy cotton allowed to take merchandise?

To some extent; and these little boats used to take it with or without permits.

592. The process of getting cotton, as I understand, is that it is brought from the interior of the rebel country down to our lines, and then delivered to persons having permits from the government to buy it?

No, sir. They come right inside our lines; their wagons come streaming in, and unless the commanding officer directs that they must come to such a place, they are delivered anywhere.

593. Does not our army seize the cotton, under such circumstances?

Sometimes they do. There have been corrupt commanding officers who have made expeditions purely for the purpose of speculating in cotton.

594. Then the army is not obliged to aid in getting the cotton within our lines?

Oh, no. If it is done, it is done voluntarily; but I do not know of any officer commanding there now, who would use his army in that way.

595. Do you know of our currency having been received in exchange for cotton, by the rebels?

It is believed to have been received.

By Mr. Perry:

596. Could we have been able to procure cotton to any considerable extent, if articles of goods and merchandise had not been given in exchange for it?

I think we could.

597. Would these wagons have come in, and brought cotton?

No, sir. There must be some motive, and I think a sufficient motive can be furnished without supplying the rebels with merchandise. I would not allow anything to go out to them, unless merely sufficient to sustain life for the women and children, and those who are measurably loyal.

598. Can that be done in safety?

You cannot do it without the most severe restrictions ever put on man.

599. Is it possible, under the circumstances?

It may be to a certain extent.

600. What course would you pursue?

I do not know any better than that General Grant once commenced to carry out; I would not allow any private parties to come about the army; I would commission a class of officers especially to manage this business, who, with the restrictions of military discipline, and the fear of dismissal hanging over them, will be less likely to allow abuses than persons who have no such restrictions.

FRIDAY, February 3, 1865.

Members present :

Representatives.

Mr. WASHBURN, chairman ;
 ELIOT,
 WARD,

Representatives.

Mr. PERRY,
 LONGYEAR.

EDWARDS PIERREPONT called, sworn, and examined.

By the chairman :

601. Please state your residence and business.

I reside in the city of New York. I am a counsellor-at-law.

602. Have you been in any way interested in the trade with the rebel States since the breaking out of the rebellion? If so, at what time, to what extent, and with whom connected?

Never, in the smallest way, or to any extent, or with any person.

603. Do you know of any person or persons who have had permits, or certificates, or contracts with the government for bringing out cotton and trading with the rebels?

I have seen several contracts made with Mr. Risley ; but the names of the contractors I cannot now recollect. I think Wells & Gibson or Gibson & Wells are names I remember to have seen to contracts. My impression is that it was Gibson, Wells & Co. ; but I am not sure. I am sure the name of Wells was in it. I am not sure the name of Wells was in the contract, but I am sure that Wells, who I understood to be in it, was here.

604. Where did these parties live?

That I do not know ; but my impression is that they lived in the city of New York or somewhere in the State of New York. The contracts were shown to me in Washington. I do not know the parties, and never saw but one of them in my life to my knowledge ; and he was in the city of Washington. The contracts were shown to me by the counsel of the firm, and Mr. Wells (I think was the name) was present.

605. What was the nature of the contract, so far as you understood it?

I cannot say that I read the contracts. I think I did not ; but, so far as I understood, the purport was that a contract was made between Mr. Risley and these parties, by which they were to pay the government some sum of money, and I understood it to be under treasury regulations. But I never read the treasury regulations, and do not know what they are. I never had a copy of the contract, and I would not undertake to give its contents.

606. Will you state whether the parties had any difficulty in relation to this contract, permit, or certificate, whatever it was called, in getting passes to go to their destination?

I understood from Mr. Evarts, who was the counsel of the parties, that there was some difficulty in relation to there being an agent of the treasury at the point in Georgia, I think it was. I do not remember the town, but some small place, from which the cotton was expected to be brought. I did not understand that there was any difficulty about passes ; but that it was necessary, in order to go through, to get passes ; and my impression is, though I would not speak confidently, that Mr. Risley's contract spoke of passes to be procured. The passes for these two parties who were to go to this point were procured at the solicitation or suggestion of Mr. Evarts and myself, or I was present when it was done. I cannot tell to whom the passes were given, but I understood them to be to one or two—I think two—of the parties to the contracts with Mr. Risley ; but, as they were not clients of mine, but of Mr. Evarts, I do not know their names. This was when I was last in Washington, I think somewhere within ten days.

607. You have spoken of Mr. Evarts being counsel for these parties ; in what respect was he counsel — for legal advice?

He told me here that they were regular clients of his in New York, and it is in that sense that I speak.

608. Were there any other names of persons who were in this matter, either as counsel or otherwise, besides Wilson and the others you have named, so far as you know?

Not that I know of. There may have been any number, but not that I know of or ever heard of.

609. You were not in any way connected with the transaction?

In no way whatever. I never saw them before, and never heard of the contract until I came here. I was here on other business.

610. Do I understand that you went to the War Department with Mr. Evarts? I did.

611. On this business?

No, not on this business. I went to the War Department on other business. He went to the War Department in relation to his son, who was in the army and sick, to get him discharged on account of illness. While there this subject of passes was spoken of, and that is the way it arose.

612. With whom was your interview in the War Department?

With the Secretary of War.

613. Do you know of any persons except yourself and Mr. Evarts engaged in it?

No, sir. I do not say there were not, but I never heard of any other.

614. What was the precise request which Mr. Evarts made to the Secretary of War?

I cannot say whether he made the request, or whether I made it. We both spoke of it. It was simply to ask passes for these men who had this contract with Mr. Risley to go to the point where the cotton was to be received; and my impression is strong that it was some point in Georgia.

615. Was it Fernandina?

Perhaps Fernandina.

616. Were the passes given to you or Mr. Evarts before you left the office?

My impression is that they were sent in an envelope, not before we left the office, but in the course of the day.

617. You had no interest in it?

Not in any shape or form, not even to the extent of a counsel fee, paid or promised—not the remotest interest. It was a mere suggestion at the time my friend was with me.

618. Do you know what goods or articles were sent by these parties which these passes enabled them to get through with?

I did not have any idea that these passes enabled them to get through with any goods. I do not think they did. I am very sure, on the contrary, they did not.

619. What were the passes?

Mere personal passes for individuals. I am very sure they had no power to convey goods under them.

620. Do you know what goods or articles, if any, were sent out by these parties?

No; I have no knowledge on the subject other than this: I heard it stated that they had sent out goods which it was expected or hoped would be exchanged at the rate of one-third or one-quarter, whatever the Treasury regulations authorized, but I do not know the amount, nor do I know of the goods. I never saw a schedule of them.

621. Do you know whether Mr. Evarts came here to get the passes you have spoken of?

Mr. Evarts came here, I think, to attend the Supreme Court. I know that he had a case in the Supreme Court and argued it while here. Whether this had anything to do with his original purpose in coming on or not, I have no knowledge.

622. Had there been any difficulty in relation to the passes before Mr. Evarts came on and made the application?

I understood that no passes had been asked for and no application made. I asked that question particularly, for the very purpose of avoiding asking the Secretary of War for things which he had already refused.

623. What other certificates in regard to this cotton trade have you heard of?

I saw at one time some other contracts, but I cannot now tell who the parties were. If I were to hear their names I could recall them.

624. Do you not know the parties connected with them?

No, I do not know any of them.

625. And they did not make impression enough on you to enable you to recollect them?

No, I do not remember. I think I saw the contracts, and was asked if they could get goods in under them, &c. I once asked the Secretary of War whether any permits were granted by his department, and he told me there were not. I told these parties that they would not get any permits of that kind. I never heard of the application, and I do not know of any being made.

626. Do you know of any persons who went to the Treasury Department in relation to this matter; if so, what person or persons, for what purpose, and what was accomplished, as far as you know?

I do know that Mr. Evarts and myself, at the Treasury Department, though going there on another matter wholly disconnected, spoke of the subject of the difficulty of there being no agent at this point, Fernandina, if that was the point; and the question was asked how these parties who held this contract, Wilson & Co., if that was the name, could get along without some agent at the point where the cotton was expected to be delivered; and how that difficulty was obviated, if it was, I do not know. I believe that that is the extent of my knowledge upon this subject.

627. Do you know of any requests being made to have the difficulty obviated; and if so, by whom?

I should regard the conversation that Mr. Evarts and myself had as equivalent to a request.

628. Who was that conversation with?

The conversation was had with Mr. Risley, who took us to the Secretary, who referred it back to Mr. Risley and Mr. Harrington, and that was the last that I saw of either of them.

629. Was it the last you heard of it?

No. I heard that it was supposed to have been in some way relieved of the difficulty about there being an agent; but in what way, I never heard. I heard it from Mr. Evarts.

630. Did you understand the number of bales of cotton which this certificate of Wilson & Co. covered?

No; I never had the slightest impression then or now. I could not tell whether it was five or five thousand. I do not know anything about it.

MONDAY, *February 6, 1865.*

Members present :

Representatives.

Mr. WASHBURNE, chairman ;
ELIOT,
WARD,

Representatives.

Mr. LONGYEAR,
PERRY.

THOMAS CORWIN called, sworn, and examined.

By the chairman:

631. Please state what has been your official position for the last few years, since the breaking out of the rebellion?

I have been in Mexico as minister for this country for three years up to April last.

632. What knowledge, if any, have you of the trade which was carried on with the rebels from Mexico, in and out the rebel lines?

I have no very exact information on the subject. Owing to the disturbed condition of the country, I never could get the information I wanted from the consuls along on that line, though I got some.

633. What was the character of the information which you obtained?

I understood from private correspondence, as well as from one or two letters from our consul at Matamoras, which is in the interior some distance, that the rebels sold their cotton to Mexican manufacturers, and received in return clothing for their army.

634. Was there any difficulty in carrying on this trade between the Mexicans and the rebels?

Very little. I could interpose none. We had no consuls along the boundary, and nobody to look after this trade.

635. To what extent do you suppose this trade was carried on?

It is difficult to say, because, as I remarked, I have no precise information.

636. To quite a large extent?

I think so. One manufacturer, as I was informed by a gentleman I engaged to look after that thing a little, said he had sold \$300,000 worth of clothing; some part of it made up, chiefly not made up, but made for the very purpose of clothing for the rebel army.

637. Have you had any knowledge since you came back of the trade which has been carried on in the rebel States through permits or certificates granted by the Treasury Department, or otherwise?

None, of my own knowledge, except that I have been employed to get permits.

638. Have you obtained a large number of permits? No, sir.

639. How many?

I think but two. I applied for a great many, but obtained but one or two.

640. For whom did you obtain these permits?

For Parkman, Brooks & Co., or Brooks, Parkman & Co., I do not remember which.

641. To bring out cotton? Yes, sir.

642. How much?

Fifteen thousand bales, I think, exactly. That permit was founded upon permits which had been previously granted but never executed, owing to a change in the lines about that time.

643. Where did these parties, Parkman, Brooks & Co., live?

I think in Memphis. A man who was here, and who was a member of the company, I am sure, lives in Memphis.

644. Who was the other permit you obtained for?

For Swenson, Phillips, Webb, and General Hamilton.

645. Where do these parties reside?

Webb is a merchant of New Orleans, General Jack Hamilton is of Texas, and Phillips was a Texan, but now resides in New Orleans. That permit, I believe, has been given up. I understand it was found it would not work at all.

646. Why not?

Swenson was here about a month ago, and said they could not get their cotton out, and that he meant to go to the President and surrender it.

647. For how much was that permit? I really could not tell—a very large amount.

648. What reasons, if any, have you for thinking this permit amounted to nothing?

I understand their cotton was on the Louisiana border, but there was no access to it without running the blockade, and they would not do that. It has been a great obstacle in the way of all of them, as far as I can learn.

642. Can you give the committee any opinion as to how this matter of trade between the rebels and Mexico can be curtailed?

I have thought a great deal about it, especially while I was there, but I do not see how it can be done without troops on our side. If you ask my notions or opinions about it, I thought that the government had acted very unwisely, or that the commander at New Orleans did, in preventing our ships from clearing at New Orleans for Matamoras, or in restricting them to certain articles. Now this Mr. Swenson owned cotton, honestly bought and paid for. He ran away, or they drove him off. He could get his cotton out at Matamoras, but he had no bale rope or bagging there, and they would not allow him to take it out. He offered to give bond to any amount that he would not use it for any other purpose than to bale his cotton, but the general in command gave express orders not to allow it to go out. This bagging and bale rope comes from Havana, from New England, and from any and every where in the world. They make it, a great deal of it in Mexico, out of their coarse grass. But the consequence of not allowing it to go to Matamoras was that all that trade is allowed to be carried on by foreigners. We are forbidden to participate in it at all. Our cotton cannot be gotten out. There is a little supply which comes from abroad during the high price of cotton.

643. Has the United States a consul at Matamoras?

We have a commercial agent. We cannot get a consul there. If we take an exequatur from the Mexican government, the French drive him away. We cannot take an exequatur from the French, because that would be a recognition of the government the French have established there, and so we sent a commercial agent there. I had a conversation just now with a gentleman who recently came from Matamoras, and who brought despatches for Mr. Seward. He says there are a great number of refugees from Texas over there on this side of the river; that French creoles go over from New Orleans to escape the military government there. The British government are getting a large part of the cotton out of rebeldom in Texas, which comes out at Matamoras. The French get a good deal too.

644. What other persons do you recollect who have made applications for permits through you?

I made numerous applications for permits under the law of last July. Crafts, of Mississippi, I remember, was one. I do not remember names, but I am sure I applied for at least a dozen, in all of which I failed. They referred them all to the local agents.

645. Has it been the practice of the department to give these contracts directly from the department in any cases?

No, not one that I know of.

646. You did get one, you say?

That was founded on a previous permit.

647. When you made these applications directly to the Treasury Department for permits, what was the reply you generally got?

At first they intended, it seemed to me, to grant them. The question was bandied about, I was told, between the Treasury Department and the War Department, and all the Cabinet. Finally, they came to the conclusion to grant none, but to refer them all to the local agents.

648. How lately was this?

I think it was in September.

649. Do I understand you to say that the Treasury Department have, since September or since any given time, refused to grant permits, but have insisted on referring them all to the local agents?

In all cases under this law, where the government is to have twenty-five per cent.

650. Do you know anything further in relation to the trade with the rebel States? Have you procured any permits for tobacco?

I procured one from Mr. Risley.

651. For how much tobacco?

I think it was 800,000 pounds, or about that.

652. Where was that tobacco to be brought out?

It was to be brought across the river at Point Lookout.

653. In whose favor was the permit?

In favor of Cromelin & Son, of Philadelphia. It was to be sold to the government.

654. What became of that?

The agent went out, and when I last heard of him they had him a prisoner in Castle Thunder, with some danger of losing his head before he got home. The man had really contracted for the tobacco with a loyal man who had the tobacco. He was protected by a friend, who was a rebel, and who was therefore protected. That is the case with a great deal of the cotton, they tell me.

TUESDAY, *February 7*, 1865.

Members present :

Representatives.
Mr. WASHBURN, chairman ;
ELIOT,
WARD,

Representatives.
Mr. LONGYEAR,
PERRY.

T. J. CONATTY recalled and examined.

By the chairman :

655 Have you had any other or further transactions in this matter of trade with the rebellious States, by certificate, permit, contract, or otherwise ?

I have.

656. Please state what they were ?

I have had one, in which Mr. Leonidas Haskell and myself were the parties, to take cotton. It was a certificate under the general regulations, without the order of the President.

657. Was it the same as that issued to yourself, Helmick & Moore ?

No, sir ; entirely different—different in the fact that this did not have the President's order attached.

658. Please state for how many bales of cotton that certificate was.

For ten thousand.

659. To whom issued ? To Mr. Haskell and myself.

660. On what was the application for it based ?

On a desire to take cotton out. Mr. Haskell came to me and said he had extraordinary facilities for getting cotton out from Augusta, Georgia ; he said if I could get a permit, he did not want the executive order. I made application to Mr. Risley, and an ordinary permit, under the Treasury regulations, was granted.

661. Was the application made in writing ?

No, verbally.

662. What was the nature of the statement on which the application was based ?

Simply that Mr. Haskell claimed to control cotton, as I have stated.

663. In what way did he claim to control it ?

Through a gentleman in New York, who he firmly believed had it in his power to bring it out.

664. Have you this permit ? I have not ; I gave it to Mr. Haskell.

665. What has become of it ?

I suppose he gave it into the hands of the gentleman who was to go to Augusta and get out the cotton.

666. Who was he ?

A Mr. Samuel Bell.

667. Where does Bell live ?

I do not know anything about him, except from the representations of Mr. Haskell.

668. This was the second certificate you obtained from Mr. Risley ?

Yes. This was in the early part of January, after the fall of Savannah.

669. Have you had any other permit ?

I have had one other.

670. What was that ?

A simple certificate, without the indorsement of the President.

671. For what ?

To take cotton out of North Carolina.

672. For how much ?

Five thousand bales.

673. Who was with you in that ?

A man by the name of Brummel, of Baltimore.

674. What is his business ?

He has been a sutler in the army of the Potomac.

675. Upon what grounds was the application for that permit based ?

Upon the same ground—upon the claim of this man, that he could control cotton ?

676. What is the condition of proceedings under that permit or certificate now ?

I do not know that anything has been done under it.

677. Where is Mr. Brummel ?

He is in Baltimore.

678. Is there any other party with you ?

No, sir.

679. Is there any other party with you and Mr. Haskell in your certificate ?

No, sir.

680. Can you tell me what is the reason you can go to the department and get these certificates for any person you may name ?

It cannot be done now ; at that time any person could do it ; any good man in whose assertions Mr. Risley had confidence could, up to the 18th of January, get one of these certificates, as I understand.

681. Do you not know that such applications were constantly and repeatedly refused ?
If they have been, I do not know it.

682. Do you know they have not ?

To the extent of my knowledge and belief, they were not up to the 18th of January ; a least as long as I was in the office, I have no knowledge of any application under the general regulations having been refused.

683. Was this last application made verbally or in writing ?

They were all made verbally. The contracts are on file in writing.

684. Upon what ground—that this sutler claimed to control cotton ?

Yes, sir.

685. How did he propose to get it ?

I suppose he meant to send agents across the lines, if he could not secure it within the lines

686. What agents did he propose to send there ?

I do not know.

687. How came you to go in with him ?

I was introduced to him by a Mr. John L. Reese, of Baltimore.

688. Did you know him before you were introduced to him by Mr. Reese ?

I did not.

689. How did you know that he was a good man ?

On the faith of Mr. Reese, who introduced him—a man in whom I have every confidence.

690. Did I understand you to say that you had never received anything for your interest in the large permit for 50,000 bales ?

Not a dime.

691. Have you ever proposed to sell any portion of your interest in that permit ?

I never have.

692. Have you had any other or further transactions in this cotton trade ?

None whatever ; these are the sum total.

693. Do you know a man by the name of Isaac Ringe ?

I have heard of him ; I do not know him.

694. What have you heard of him ?

I simply know that Brummel proposed to engage such a man as that. I know nothing about him whatever. There is a gentleman who acts as attorney for me with Brummel in Baltimore. Supposing I should be at New Orleans, I placed the whole matter in his charge.

695. What is the name of your attorney ?

Barker. I merely heard Brummel say he had employed, or proposed to employ, a man by the name of Ringe. Mr. Barker may know something about him.

696. Where does Ringe live ?

I do not know anything about it.

697. You have never seen him ?

Not to my knowledge.

698. Do you or not know whether he has a contract in your firm ?

I do not know.

699. Have you not heard that he has ?

I have not. I know nothing at all about him further than what I have stated to you. Brummel, who employed him, I presume, can give you information about him.

700. Where is this Barker ?

I suppose he is in Baltimore ; his residence is there. He was for a time in the office of the Baltimore and Ohio Railroad Company.

701. Did you appoint him in writing, under seal ?

Yes ; with full power of attorney to represent me in the matter. I had full confidence in him, and have left all the details with him.

702. Have you seen Mr. Risley recently ?

I saw him yesterday afternoon for ten minutes.

703. Did he have any conversation with you about Ringe ?

No, sir.

704. Did he ever have any conversation with you about Ringe ?

Never.

705. Do you know whether there is any other man acting under this contract ?

I do not.

706. Has anything been done about your 50,000 bales' contract or certificate since you testified before the committee on a previous occasion ?

I have returned the papers to Mr. Risley, so that if there was anything wrong in the alteration which was made, he might hold the papers subject to further disposition.

707. When did you hand them to him?

I think it was on Thursday last. I saw the point raised by the committee when I was last before them, and in order that I might be free from any possible impropriety in the matter, I handed the papers back to him.

708. What did he say when you handed them back to him?

Nothing; he holds them subject to any further question; he said he supposed there was no impropriety in the change.

709. Do I understand you that Mr. Risley said there was no impropriety in making a change in an order of the President, without his knowledge or consent?

He said he supposed he had the right to make a change in his own contract, though if he had thought for a moment, he might have seen that it would have been right, proper, and becoming to have seen the President before any alteration was made in his order. He said he did not consider it a material point in changing the number of bales, inasmuch as the amount might have been 50,000 as well as 15,000 in the first place. That is what he said, as nearly as I can recollect his language.

710. That he did not consider it wrong to alter the records of the department, or the order of the President, without his knowledge?

There was no permanent record made of it.

711. Do I understand you there was not a copy on file in the office?

Yes, but it was not recorded in any book.

712. Is not that just as much a record as if it were recorded in a book? I suppose it is.

713. If that was the principle on which Mr. Risley acted, why could you not as well have altered it to half a million bales?

I suppose so; I would not have altered it without his consent.

714. Why might you not have altered it so as to have made it cover all the cotton there is in rebeldom?

I would not have altered it at all without Mr. Risley's consent, and I do not know whether he would have consented to it or not.

715. The principle is the same, is it not?

I do not know what might operate on his mind. His intention was, I believe, to encourage bringing out cotton.

716. Did he suppose the way to accomplish that was through one or two clerks in a department here in Washington, and a horse contractor?

I do not know what his supposition was.

JOHN W. FINNELL called, sworn, and examined.

By the chairman:

717. Please state your residence.

I am a citizen of Kentucky.

718. Have you occupied any official position?

I have been adjutant general of that State.

719. From what time to what time?

From October, 1861, to September, 1863.

720. Has your position afforded you an opportunity for observation in respect to the question of trade with the rebel States?

Within the last twelve months it has.

721. Be good enough to state to the committee what has been the result of your observation in that matter: how the trade has been carried on; by whom carried on generally; to what extent, and what has been its effect upon the Union cause.

It is very difficult to answer the question in that form. My experience has led me to believe that the difficulty has been more in the execution of the laws of Congress than in the laws themselves. The trade has generally been carried on by a few individuals; permits have not generally been granted. My impression has been, it would have been wiser to have had no trade at all than to have conducted it in the way it has been conducted. In the manner in which the law has been executed, I think it has been an injury to the Union cause.

722. What has been its operation specifically, so far as you know?

The trade has been exclusively in the hands of favorites of the Treasury Department. They have in many instances permitted supplies to be carried into the interior, which must necessarily give aid and comfort to the enemy. The agents of the Treasury Department, either with or without the authority of the department, have, in the way of taxes and costs of various descriptions, so added to the burdens imposed upon parties getting out cotton as to enhance the price of the article enormously, and open the door for very heavy frauds.

723. What have been the charges of the Treasury Department to which you refer?

There is, first, an internal revenue stamp of two cents a pound; there is four cents imposed by regulation of the Treasury Department, under Mr. Mellen's order. I never could ascertain the cause of it. I have not been engaged in the cotton trade myself, and speak merely from observation. There was then, awhile ago, and I believe even now, a warehouse tax of \$5 a bale.

724. To whom did that go?

It was paid into the Treasury Department. Then there was 25 per cent. under the act of July, 1864, of the whole amount required to be paid to the government, making an aggregate cost to the party bringing out cotton of $41\frac{1}{2}$ cents per pound paid to the government, on the basis of \$1 a pound in the market.

725. To what extent was the trade carried on?

There was quite a liberal trade at Vicksburg last spring and at Memphis this fall, until General Dana came there. I was in Memphis about ten days in the month of December, before General Dana's arrival, and there was quite a brisk trade in cotton at that time. He shut it off entirely.

726. What have been the orders from here since General Dana shut it off? I do not know.

727. On what ground was it shut off, as you understood?

That he was about to make a movement, and did not desire that there should be any communication whatever through the lines.

728. It was founded, then, upon military reasons? So I was informed.

729. Did you understand there had been an order since that time reopening the trade?

That is my information, from acquaintances here. The effect of the trade at Vicksburg, it seemed to me, was demoralizing both to the army and the agents of the Treasury Department; there was a continued conflict between them. I was detained there for some time waiting for my sisters, and saw what was going on.

730. How did the conflict arise?

Cotton would be taken by the military and turned over to the quartermaster's department; the Treasury Department would claim it as abandoned cotton; then third parties would come in and claim it as private property. It seemed to me that the public good was subordinated to this scramble for cotton. The general impression prevailed among citizens that it was a mere contest between the treasury agents and the military, in the language of the times, "who could see the most money." It was really a painful scramble that went on. The public interest seemed to be lost sight of; charges were openly made in the streets perfectly dishonorable to the officers there. The charge was made first by the military officers, and then by the treasury agents—first against one and then the other.

731. And I suppose the people believed that all either side said of the other was true? Every word of it.

By Mr. Eliot:

732. Have you any knowledge of these certificates or permits that are granted from the Treasury Department?

I have no knowledge of them, except that some three weeks ago I made application for one for a friend, which was not granted, for reasons which were satisfactory, that General Canby's order was then the subject of consideration in the War Department, and while that was pending no permits would be granted. I understand that permits have been granted since that time. I do not know the fact. The general effect of the trade regulations, and of the trade itself, has been, in my judgment, most disastrous. The truth is, the people unanimously believe that the most corrupt and shameless practices continually occur; and without knowing the fact to be true, and witnessing any bribe paid, I have no more doubt about it than if I had seen it done. It is enough to make a man blush to hear the talk that is going about in the streets in reference to men in the highest positions. Abandoned cotton is gathered up, claims are trumped up for it, and the cases are tried before military commissions. I practiced in one of the military commissions for a short time while I was waiting there.

WEDNESDAY, February 8, 1865.

Members present:

Senators.
Mr. MORRILL, chairman;
MORGAN.

Representatives.
Mr. WASHBURNE,
ELIOT,
WARD,
LONGYEAR,
PERRY.

BENJAMIN F. CAMP called, sworn, and examined.

By Mr. Washburne:

733. Will you state to the committee your residence and business?

My residence is Westchester county, State of New York ; occupation that of a farmer.

734. Have you, since the breaking out of the rebellion, been engaged in trade with the States in insurrection ; if so, at what time, to what extent, and with whom connected ?

I think in October last I had permission, in connexion with others, to open a trade store at Natchez, where I went for three or four months, but it proved to be unprofitable and was abandoned ; that was the last of that operation.

735. Who were your partners in that operation ?

At the time we opened a house in Memphis. I really forget the names of the parties ; the permit was in my name, but I took them as partners.

736. From whom was that permit obtained ?

From Mr. Mellen.

737. What was the character of the permit ?

Simply to sell goods to the amount of \$15,000 per month.

738. What kind of goods ?

Groceries, dry goods, earthenware, and a general assortment ; no liquors were permitted to be sold there.

739. How many goods did you take there ?

I think some \$25,000 worth during all the time.

740. Did you sell that amount of goods there ?

Just about.

741. What did you receive in payment ?

Greenbacks, nothing else. I was in New York making arrangements for the purchase of goods when my son telegraphed that this house in Memphis could furnish the goods. I immediately went on, and remained in the south until the latter part of March or first of April, 1864 ; but the thing proved to be unprofitable and I had the store closed up.

742. Have you had any other transaction ?

Nothing prior to that. Later on, Mr. Hart, the Treasury agent, called at my lodgings and informed me that he had made three contracts for the purpose of getting out abandoned cotton, but that in every instance the parties had proposed to take the cotton to New Orleans and sell it. He said it was too valuable property to be trifled away in that manner ; that he wanted some one to go down there who would attend to the interests of the government. At his earnest solicitation I agreed to go down there and get out cotton for him ; I got out for him 600 bales of abandoned cotton, which was turned over to the United States, sold, and the money placed in the treasury.

743. Where was that cotton obtained ?

From the State of Mississippi, about nine miles back from the Mississippi river.

744. What were the terms of your agreement with him ?

I was to receive, as I was entitled under the law then to receive, one-fourth the net proceeds after deducting all the expenses.

745. What was the amount you realized from the transaction ?

Not a cent yet.

746. What is the amount you are entitled to under your contract ?

I think it will be about a quarter of \$340,000, after deducting the expenses, which I think were some \$40,000 or \$50,000.

747. What will your net profit amount to ?

I should think somewhere from \$50,000 to \$60,000. The cotton was taken to St. Louis, and got into the courts there.

748. Is it still in the courts there ? Yes, sir.

749. What was the controversy in relation to it ?

The facts of the case are these, as nearly as I can state them : I brought the cotton out on the Mississippi river, just about the time of the Red river expedition ; the cotton was sent through to the Mississippi by a party of the name of Sayles, who was familiar with all the cotton in that region. He wanted it himself, and when the cotton came out as government cotton he went to Alexandria, saw one of the parties who raised it, and got him to take the oath of allegiance ; he then gave Sayles a power of attorney to fight the matter in the courts of the United States.

750. Was it Alexandria cotton ?

No, sir ; the original owners of the cotton were cotton-growers who had left our lines and gone into the rebel lines. One of the former owners of the cotton was a rebel colonel and his son, a rebel captain ; the other partner was acting as some sort of commissary in the rebel service.

751. And you say the cotton is in controversy in the courts ?

Yes, sir ; but I think the United States will get it ; Mr. Fessenden says it is a very clear case.

752. Were any parties interested with you in getting out the cotton ?

No, sir ; I got it out myself.

753. Who did you make a contract with to get it out?

With Mr. Hart, the Treasury agent at Natchez.

754. Is Mr. Hart there now?

O no; he has been dismissed.

755. For what has he been dismissed?

I think for some charge of corruption.

756. In what connexion?

I think he has received large amounts for cotton, and in various ways; I am not familiar with his case. He was arrested, put in prison, and the government seized his property, as I heard.

757. Was there complaint against him in connexion with this contract made with you?

Not the slightest; the thing was as straight as anything could be until I got the cotton to Natchez.

758. Then what did he do?

Perhaps I misjudge the agent; he is an old man, and I do not want to be uncharitable in my views. I thought he acted as if trying to get some other parties interested in the cotton. There was a contract made for the purchase of this cotton in New Orleans, by an Englishman of the name of Montgomery, with the original owners. This party agreed to pay for it in sterling at the rate, as I recollect, of \$75 a bale. When I got the cotton to Natchez, a man by the name of Field, and one or two other parties, said they had a right to the cotton, under contracts made and for reasons which they stated.

759. Who was Field—a man calling himself Judge Field?

Yes, and who has been connected with government plantations in that region. I called his attention to the law, showing that it was a violation of the law to sell it for sterling, and that if the sale had otherwise been valid, it would have been forfeited to the United States for that reason. I think he began to get his eyes open, but he followed it up to Mr. Mellen, and protested to him against the seizure of the cotton by the government. It was held there for some two weeks. I finally went to Mr. Hart and told him, "You are doing wrong in this thing; you will ruin yourself. It will have the appearance, on your part, of trying to rob the government. Take my advice, clear this cotton, and send it up to Cincinnati." His reply was, that he would do no such thing. I then said to him that I would write to Mr. Chase, setting forth all the facts, and that he would be dismissed. I wrote a letter to Mr. Chase, and got an answer in seventeen days, ordering that the cotton be sent to Cincinnati forthwith to be sold. They refused to send it to Cincinnati, but sent it to St. Louis. When the cotton arrived there it was consigned to the surveyor of the port of St. Louis. The surveyor of the port stated that he had no money in his hands to pay the expenses of shipment, and refused to receive it. The consequence was, that the cotton was libelled by the owners of the boat to defray the expenses of shipment. I employed counsel, and went into the courts with them. I employed a Mr. Charles Drake, well known in that city as an eminent lawyer. The result was, that the case was dismissed for lack of jurisdiction, on the ground that they did not think United States courts were constituted for the purpose of defrauding the government. The cotton was then released, so far as the United States court was concerned, but this man Sayles sued out a writ in the county court of St. Louis for it.

760. A writ of replevin?

Yes; we then made our complaints to General Rosecrans and General Ewing, who issued an order forbidding the court to take possession of the property until orders were received from Washington. The matter so remained for some time, until, through Mr. Mellen, a contract was fixed up, by which the parties agreed to have the matter tried in the United States court at St. Louis. That trial has yet to take place.

761. Where is the cotton?

The cotton was sold by consent of parties, and the proceeds invested in five-twenty bonds, which are now here in the Treasury Department, awaiting the result of the trial.

762. Did you enter into this contract to get out this cotton at the solicitation of any person; and if so, of whom?

Only at that of Treasury Agent Hart; he pressed me urgently. I had no more idea of any such transaction when I went there than you have; but he said, "If you do not do it, the cotton will be sold, and the government will lose it." I went down at the risk of my life, and spent about ten days in getting it out. We were under fire part of the time, and had a great deal of trouble in getting it out, but succeeded finally in so doing.

763. Had you any other cotton transactions down there?

No, sir; I tried to get at some cotton, but failed.

764. You spoke of receiving twenty-five per cent. as your portion for getting out the cotton. Under what law or regulation was that?

I cannot exactly give you the date of the law. It was in accordance, I think, with Treasury regulations of August 4, 1862; I will not be positive.

765. Will you state the substance of that regulation?

It is, in substance, that treasury agents shall have power to make contracts for getting out abandoned property, for which they shall be entitled to receive one-fourth of all the net proceeds, after deducting expenses.

766. Do you mean that the agent should be entitled to one-fourth?

No, the party getting it out.

767. Have you been engaged in any other cotton transaction?

Yes, sir.

768. State what these transactions were.

I obtained a permit under which I contemplated getting out cotton last fall, but very little has been consummated under it, for the reason that we have not had military permission.

769. From whom were your certificates or permits obtained?

There were two obtained by the President's order.

770. To whom were they granted?

One to Norris, Camp & Champion; the other to Lazare, Camp & Brooks.

771. For what amount of cotton was the first certificate?

I think it was for 13,000 bales.

772. Where do these parties, Champion & Norris, live?

Champion in New York; Norris was here. He is a resident of California. He is a large owner of real estate in Texas, and has 600 bales on his plantation. Champion, I think, has some 7,000 bales on his plantation.

774. How many have you?

I didn't have any.

775. On what principle was the permit or certificate granted?

The application is made by a written statement of the parties, or either one, that they control cotton.

776. Was such a written statement required and made in your case?

Yes, sir.

777. Was it sworn to?

Yes, sir.

778. By whom?

Mr. Norris.

779. Do you know whether it was a rule to require statements made and sworn to in every case?

I really cannot say. I know it was in that case.

780. When was that certificate granted?

I think it was dated on the 17th of November, that is the executive order; the permit itself was granted some time in September. We were five or six weeks here in getting these permits through, pressing the matter very hard day after day.

781. Will you now state, in regard to the other certificate or permit, when it was granted, and to whom?

It was granted to Lazare, Camp & Brooks.

782. Where do these parties live?

Lazare, I think, is a New-Yorker, and Brooks is of New York.

783. Who made the affidavit in that case, and what was the purport of it?

I will not be certain as to whether there was an affidavit accompanying that application, for the reason that the papers of Lazare were papers made out prior to the second day of July, and this was simply a renewal of the old permit.

784. I understand you to say, then, that there was no affidavit made in that case?

I will not say whether there was or not; I do not recollect of there being one. The papers evidently showed that Lazare had a large amount of cotton, and, furthermore, I would state that these papers were accompanied by an order from General Sherman to Lazare to get out his cotton.

785. Then I understand you to say that Lazare was the man who had the cotton, and that it was upon the cotton that he had that this certificate was granted?

Yes, more particularly upon that.

786. Did you have any?

No; not a very large amount. I had talked with a party with reference to the purchase of cotton, but had never purchased it.

787. Did you have any control over it, or ownership of it?

No direct ownership. I thought I had control of about 5,700 bales.

788. How control of it?

For the reason that I talked with parties about purchasing it, and agreed with them in reference to it; but about that time the rebels came in and took possession of that section of country, and nothing further was done.

789. Was talking about purchasing this cotton giving you control over it?

It would require a long time to show you why it should do so.

790. Have you ever seen the cotton?

I have seen some of it.

791. Where was it?

At a place called Fort Adams.

792. Who is Mr. Brooks, one of the parties to this contract?

He is the representative of Mr. Haskell.

793. In what does he represent him?

He represents his interests.

794. Is he a young man?

Yes, quite a young man.

795. Has he any further connexion with Mr. Haskell than merely as clerk?

I do not know that he has.

796. Why was not Mr. Haskell's name put into the contract directly?

I will tell you. Mr. Haskell came to me with these papers originally, and said he would like to get permission to take this cotton out. He did not think Mr. Risley liked him very well. He did not know why, but his relations to Mr. Risley were of such a character that he did not think a permit would be granted with his name in it. He said I had known Mr. Risley for a long time, and he would like to have me get this case before him, which I did. I showed him the papers, and tried to get a permit, without the condition of twenty-five per cent. being paid to the government, for the reason that it was to take the place of an old permit obtained prior to the 2d of July. I did not succeed in that; but, finally, Mr. Risley granted the permit, with the twenty-five per cent. to be paid to the government. Our interests were divided — two-sixths to myself, one sixth to Mr. Haskell, and the other half to Mr. Lazare.

797. Was there any other person or persons interested in this certificate?

Not as I know of.

798. Did you ever see the certificate which was granted in this case?

Yes, sir.

799. Will you state whether the certificate and executive order which I now hand you (copied into the testimony of T. J. Conatty) is the one which was granted?

This is the identical paper, having been altered by inserting the name of "Lovie" in place of "Lazare."

800. What do you know about that alteration?

Nothing in the world except from the representation of Mr. Haskell.

801. What did Mr. Haskell represent to you?

That Lazare declined to act under this permit; but that he had found a Mr. Tibbets who owned some 20,000 acres of land in Louisiana, and was perfectly willing to go down there and get out more than this amount of cotton. Tibbets desired for certain reasons to have the name of Lovie inserted in the contract. That is all I know about it. I have no acquaintance with Lovie, and do not know him from the man in the moon.

802. Who made the alteration?

That I could not tell you.

803. When did you hear of this?

I should think a month ago.

804. By whose authority or direction was the alteration made?

I presume under the authority of Mr. Risley; I do not know.

805. Have you seen this instrument before since the alteration was made?

No, sir.

806. You knew that an alteration had been made?

Not until I was informed by Mr. Haskell.

807. And Mr. Haskell informed you that a partner had been given you without your knowledge or consent?

Yes, sir.

808. Did Lovie make any statement or affidavit to the department that he had the ownership of cotton?

I cannot say.

809. Will you look at the executive order of the President, and say to whom that order was originally issued?

It was originally issued to Lazare, Camp & Brooks. It now reads Lovie in place of Lazare.

810. Is it an evident alteration?

Certainly, very evident.

811. Do you know whether the President ever issued any order for Lovie, Camp & Brooks to bring out cotton?

He never did.

812. By what authority was Lezare's name erased from the order, and Lovie's put in? Simply for the reason that Lazare, when he found the government was going to get 25 per cent. of his cotton, declined to act under it.

813. Was the alteration made with the consent of the President?

Not that I know of.

814. Has anybody the right to change the order of the President of the United States, and put in the name of another person?

Not unless by permission.

815. If Lazare's name could be erased in an order of that kind, and Lovie's name put in, why could not his name be erased, and that of Jeff. Davis put in, making the President appear as giving an order for Jeff. Davis to bring out cotton?

That is a pretty strong statement of the case. I have no idea this was done without the knowledge of Mr. Risley.

816. What right had Mr. Risley to alter the President's order, without the consent of the President?

I think Mr. Risley and the President are very anxious to get out cotton, if they can properly, and that the President left the matter pretty much to Mr. Risley.

817. Did the President give Mr. Risley the right to change the records of the department?

I certainly do not think Mr. Risley would assume any responsibility of that kind. I found it very difficult to obtain any certificate at all from Mr. Risley.

818. But you did get two?

Yes, sir; two that I was interested in. Nothing has been done with either of them.

819. Do you know of any further transactions with parties having permits or certificates?

Nothing at all, except what I hear. I have heard that Mr. Durant, whom I saw at the door just now, has one.

820. What do you know about that?

Nothing at all. I merely named him because I saw him there just now.

821. Have you any further interest in certificates of this kind?

These are the only ones I ever received.

822. And you have no further interest with others, either directly or indirectly?

None, whatever.

823. Have you contemplated or made any arrangements under these permits?

I have arranged partially for getting out thirteen thousand bales of cotton, provided I can get the consent of the President and Mr. Risley to erase the name of Norris, who gave the thing up when he found that the government was to have one-fourth of the cotton, and the remainder to be divided between myself, Mr. Haskell, and himself. He said he could not afford it at present prices, although three months ago he could have afforded it.

824. You say you have made partial arrangements; with what parties have you made these arrangements?

With Mr. Burtis, a merchant in New York.

825. Was he to advance the capital?

Yes, provided everything was all right, and the papers straight. I made application to Mr. Risley to see the President, and have the name of Norris erased so that I could go on; but it has not yet been done.

826. How recently?

About two weeks ago.

827. Then I understand you that Mr. Risley now thinks it necessary to get the permission of the President to alter his certificate?

Yes, certainly.

828. How long since he came to that conclusion?

I think it has always been his opinion. I confess I have never seen anything wrong in Mr. Risley; I have known him a long time; we were both in the legislature together, and I think he has been disposed to do what he could to oblige me, without compromising his position or himself as a man.

829. If you got out this cotton, what did you expect to pay for it?

Greenbacks.

830. Was it contemplated to make any exchanges of goods?

According to our contract with government, we had the right to take in goods to one-third the amount after we had got the cotton out, but I told the Secretary that, under the circumstances, if he would give me the permit I would take no goods in at all. I will state further to the committee, that in Texas they have not a yard of bagging or a pound of rope, except what is sent from England or Europe; and that for bagging and rope for one thousand bales of cotton I can bring out one thousand bales and pay for it all in greenbacks except, probably, as to the first cargo, when I should have to take in about five thousand

dollars' worth of goods, to induce the rebel government to allow the cotton to come out; for pretty much all the cotton in the confederacy belongs to the rebel government. There are very few individuals in the confederacy who own cotton. If the government would grant that permission, cotton enough could be brought out in the next six months to amount to \$200,000,000 in gold. By that means you would put the finances of Great Britain and France entirely in our control. The rebels do not need supplies so much as many of us think they do. There is certainly a very large amount of cotton that could be brought out and paid for in greenbacks by allowing bagging and rope to be taken in.

831. You say that the rebel government owns all the cotton; then whatever purchases are made by virtue of these permits will be purchases really from the rebel government?

I do not say in every instance, but I think a very large majority of it belongs to the rebel government. They have to hold it in order to sustain their credit abroad. This is on the eastern side of the Mississippi; on the other side it is different. Kirby Smith has full control there, and he cares no more about Jeff. Davis than we do. There, individuals do own cotton, and that is the only place where you can trade to any extent with individuals.

832. Do you know any parties connected with this trade in the rebellious States?

No, not one.

833. You have had no intercourse or correspondence with parties there?

No, not in any way, manner, or shape. On my return from the lower Mississippi last winter, I saw Mr. Chase, and talked this matter all over with him previous to his resigning. I told him what I thought could be done. He said he would be very happy indeed to see cotton come out, if it could be properly accomplished; that the government needed money.

834. You speak of this cotton as furnishing the government with money; do you know the amount of money that has been paid into the treasury from this cotton trade?

The amount I imagine is very small. I think I brought in more cotton in sixty days than was brought in by everybody else.

835. Then the government has not derived much benefit from this trade, so far?

Very small, for the reason that the military interfere about getting it out. I do not think it is their policy to let any cotton come out.

By Mr. Ward:

836. Do you know of any parties who have got cotton out from the rebel States?

There are a great many parties trying to get it out, but not many succeed.

837. What is the mode of getting cotton out in such cases as you speak of. Do they go within the rebel lines?

They have to; there is no cotton within our lines. It has all been moved back.

838. Is it not removed by the rebels to our lines?

Yes, it is often moved by parties in the night. Parties will get together a dozen teams and take it to our lines in the night and be back by daylight.

By Mr. Perry:

839. What was the reason that Mr. Lazare refused to act under this permit?

Simply because he thought he could make better terms, by which he would not have to pay a quarter of it to the government.

840. Then it had no reference to your being interested in the permit?

No, sir.

PETER E. BLAND called, sworn, and examined.

By Mr. Washburne:

841. Please state your residence and business.

My residence is Memphis, Tennessee; my business is the practice of the law.

842. How long have you lived in Memphis?

I have only lived there since I left the service, which was, I believe, the middle of January, 1863.

843. What service were you in?

I was in the United States military service six months; my health failed me, and I had to retire from the service.

844. Have you been in any way connected in the trade with the rebellious States since you have been in Memphis?

No, sir.

845. Have you any knowledge in regard to the manner in which that trade is carried on?

Only from the statements of others. I have had a great many statements made to me, mostly as counsel, but I have no knowledge of my own on the subject.

846. What do you know in relation to cotton brought out from the rebel lines, and what do you know about goods and supplies going into the rebel lines, in payment of cotton? I ask for your knowledge and belief.

I have seen cotton coming into Memphis ; that is, I have seen it on the streets in Memphis, and it was my inference that it came through the lines ; but I never saw any coming through the lines. I have seen it on wagons coming towards the lines.

847. Has there been a large trade carried on in Memphis in cotton in the last year ?

That is my belief, founded on what was the general and almost universal impression, that cotton was coming in to a very large extent, and that goods were going out to a very large extent. I never saw any myself, but that is my belief.

848. What is considered to be the effect of the trade carried on with the rebels in the exchange of goods for cotton ?

The general impression I received would be about this: That demoralization, especially in our army and with the people, was the result of the trade, to a great extent ; that a great deal of trade was carried on which was illegal and contraband.

849. Do you know of persons having permits to trade with the rebel States ?

Yes, sir ; I know of several who had permits to buy cotton in the rebel States.

850. To buy large amounts of cotton under these permits ?

I think these permits covered from 50 to 2,000 bales. I understand there were permits issued for much larger amounts of cotton. I do not remember to have seen myself permits for larger amounts than 1,000 bales ; but my memory is not distinct on that subject.

851. Do you know any other matter or thing in this connexion which you can state ?

Nothing occurs to me of importance.

852. You say it was your opinion, and the opinion there, that the effect of this trade is demoralizing ?

That is decidedly my own opinion, and I speak altogether of my surmises and conjectures rather than from any knowledge on the subject. If I were to go over the matters of the last year and refresh my memory, I might be able to state particular facts illustrating the impression. I have stated that there has been a good deal of trade there which I knew of from time to time, where parties would come through the lines representing themselves to be well-disposed to the government of the United States, and get, sometimes, permission to take away considerable bills of goods ; these were cases constantly occurring in Memphis ; many of them were meritorious, and many of them, probably, were not.

By the chairman :

853. When you speak of demoralization, do you mean in the army or navy, or the people generally ?

I have reference especially to the army and navy, and to the officers of the Treasury Department.

854. Both officers in the line and officers on detached duty ?

Yes, sir.

855. Was there a feeling or belief that officers in the line and officers on detached service were engaged in this matter of purchasing cotton ?

The impression, as far as I have been able to gather it, is very general that a large portion of the officers there were involved, directly or indirectly, in the trade, and that some were interested directly in it.

856. Were officers in the quartermaster's or commissary's department interested in it ?

I cannot say that I have any very distinct impression as to the quartermaster's department in regard to this trade. The impression is universal there that that department is making a great deal of money in some way or other ; but I have never heard, that I recollect, any impression connecting it directly with the cotton trade. So far as the commissary department is concerned, I do not think I ever heard anything on the subject.

By Mr. Ward :

857. You stated there were parties who had permits ; did you see these permits, or either of them ?

Yes ; at different times I have seen several of these permits.

858. By whom are they given or signed ?

Prior to the regulations under the late act I think they were generally signed by the treasury agent at Memphis, or by the general supervising agent ; I cannot say at this moment that I ever saw a permit signed by Mr. Mellen, but my impression is that I have. Since the new regulations have been in force the permits were signed by Mr. Ellery, the purchasing agent for the government at Memphis.

859. Can you say whether these permits authorized the taking of merchandise or the exchange of merchandise for cotton ?

No, sir ; not in the first place ; these permits are given to A. B., on his representation that he has some cotton ; the former permits were simply authority to the party to hold and purchase cotton in such and such localities, usually in one or two counties in a State.

860. They did not state from whom the cotton was to be purchased ?

No ; simply permission to purchase within a specified district in the rebel territory.

By Mr. Perry :

861. Have you ever had a contract to buy cotton?

No, sir ; I had some bales of cotton presented to me, which are still down in Mississippi. The Secretary of the Treasury, in consideration of my services, gave me authority to bring it up to Memphis ; but I have never availed myself of it.

862. Is it your impression that much cotton could be obtained on the Mississippi without an exchange of merchandise?

No, sir ; very little ; a great deal with a liberal exchange and very little without.

863. Do you know of our forces having been used at any time in transporting this cotton or protecting it?

I have heard that such was the fact, but have no knowledge of my own at all.

CHARLES K. HAWKS called, sworn, and examined.

By Mr. Washburne :

864. State your residence and business.

Residence, New York city ; business, manufacturer.

865. Have you, since the breaking out of the rebellion, been engaged in trade with the rebel States? If so, where engaged, to what extent, and with whom have you had business connexions?

Prior to the breaking out of the war, our entire business was with the south. We were manufacturing goods that were sold exclusively in the southern market. After the breaking out of the war, and after the port of New Orleans was opened, having large accounts due in Louisiana, I went there, and, in a great many instances, made exchanges for my old accounts, notes, &c., for products to be gotten out when I could. That is the only trade that ever I have had with the rebels, until lately. This began in January, 1863.

866. What late transactions do you now refer to?

I refer to some contracts made with parties in Georgia and Alabama, who were desirous of getting out products they had there—parties with whom I had dealt, and for whom I made a contract with the Treasury Department to bring these products out.

867. Where did these parties live, and what were their names?

They lived in Alabama—in Mobile, Montgomery, and Selma ; and in Georgia—in Macon, Marietta, and Savannah.

868. Have you had any communication with them?

Not very recently ; I had communication with them about two months ago, or perhaps more. I think in November—not since.

869. By what means did you communicate with them?

By parties going there and passing through.

870. Did you have any party to represent you in the rebel lines?

Yes, one.

871. What was his name?

Stuart ; I cannot recall his first name

872. Where did he live?

In New Orleans

873. How did he get through the lines?

By permit from the commanding general.

874. What general was in command?

General Granger.

875. For what purpose did he go through?

He went through for the purpose of making some arrangement whereby this cotton could be delivered at a point from which we could take it out.

876. How much cotton did he find?

I do not know.

877. Have you had any certificates or permits from the Treasury Department to bring out cotton?

I have had no permits that have been granted by the Treasury Department at Washington. I had a contract with the Treasury Department ; it is not a permit. It was a contract whereby we agreed to bring out a certain amount of cotton, of which we agreed to give the government one-quarter. It was under the law of last July.

878. Did you receive anything in the shape of a certificate from any treasury agent, that he had agreed with you, or with any parties connected with you, for a certain amount of cotton which you were authorized to bring out?

Yes, I did.

879. Who was that agent?

Mr. Risley.

880. Did you obtain it here?

I did.

881. At what time?

The latter part of December last.

882. For how many bales of cotton?

About 60,000 bales.

883. Who are your associates in this certificate?

There are none specified in the certificate. The certificate runs in my name alone.

884. Were you required to make any oath or statement, in writing, before you obtained this?

I made a statement that I believed I could purchase of certain men residing where these men were, if the government would protect me against its seizure and confiscation, a certain amount of cotton. I stated that I could do this, if the government would legalize and legitimize the transaction.

885. Was anything further than this statement required?

No, sir.

886. And upon this statement you secured the certificate in your own name?

I did.

887. Where did you certify that the cotton was?

If the committee will permit me to go back a little and explain, they will understand why I fixed it at that amount, or why the amount was so large. In November or December, 1863, certain parties with whom we had formerly done business, residing and being in rebeldom, one of whom had protected some property belonging to me, and which I had shipped just prior to the war, who had been so kind as to screen my property from confiscation, having converted what he had into gold and silver, ran the blockade, came through the lines, and subsequently came to the north. I had seen him in New Orleans. He made the statement that, if the government would make an arrangement with any party in whom they had confidence to allow cotton to be brought out, there were parties in rebeldom, any number of them, who were anxious to dispose of their real estate, and invest the proceeds in cotton; and that, if it was allowed to be brought out, they would agree that 50 per cent. of it should be invested in government bonds, to be deposited in the Treasury Department, and remain there until the end of the war; that if, during the time intervening until the end of the war, they had committed any overt act against the government, these bonds were to be forfeited. The other 50 per cent. was to pay the government duties, and to be divided among the parties who brought it out, after paying the expenses of bringing it out. I submitted the plan to General Banks, then in command in New Orleans, to Governor Shepley, and to Admiral Farragut. They knew it was feasible, because there were any number of men who were ready to enter into it. I came on here in the latter part of December, 1863, and laid the plan before the President, who approved it, and asked me to draw out a statement of the plan carefully, which I did. Mr. Seward and other members of the cabinet approved it, but the Secretary of the Treasury defeated it. Growing out of the preliminary proceedings for that arrangement, those parties had made consignments, and had sent us bale-marks, and much information regarding cotton which could be brought out under such an arrangement. That failing, we tried to get a permit to bring this cotton out.

888. And that permit you have, under date of December, 1864, calling for 60,000 bales?

Yes, sir.

889. What was cotton worth a pound at that time in the New York market?

About \$1 24 or \$1 30 a pound.

890. What would the cotton you contracted for amount to, sold in the New York market?

At \$1 a pound, it would bring something like \$30,000,000.

891. What parties, if any, are interested in this certificate?

Mr. Charles A. Weed, of New Orleans, is interested in it.

892. Where is he from?

He has lived in California a number of years. He is a New York man, originally, I believe, from Stamford, Connecticut.

893. Is he the only party?

Yes, sir.

894. The only party interested directly or indirectly?

There are some others interested indirectly.

895. Who indirectly?

One of my partners, Pratt Maynard, the firm of C. A. Weed & Co., and the firm of Vox, Pratt & Co. have an indirect interest; they are the only parties.

896. What steps have you taken under this permit?

Very little. General Canby has been opposed to everything of the kind, and consequently very little has been done under our contract.

897. Have no preparations been made?

We did make some preparations.

898. What preparations?

In the way of transportation for bringing out cotton down the river.

899. Have you made preparations for sending anything in?

No, sir; we never proposed to do anything of the kind.

900. What did you propose to pay for the cotton with?

Greenbacks. A good share of the parties were anxious to dispose of their cotton for greenbacks, intending to follow it out themselves at the earliest convenient moment.

901. Were you in New Orleans at the time of the Red river expedition, so called?

I was.

902. What do you know about cotton transactions connected with that expedition?

I know a good deal.

903. Be good enough to state what you know in reference to these transactions.

I will state what I suppose to be some of the facts connected with it. It was understood between the parties of the one part—that is, the rebels—and the United States forces, that loyal persons who were desirous of disposing of their cotton could do so, without any interference and without any seizure; and that nothing but greenbacks should be paid for it. With that understanding, when the expedition started, a great many planters along the lines hauled their cotton to the banks of the river, with a view of disposing of it. When Porter came along up he seized it. The result was that they, considering it an act of bad faith, commenced to burn it. That is about the amount of the whole transaction.

904. By whom was this understanding had on the part of the Union forces?

It had been the policy of General Banks's administration to allow cotton to be purchased for greenbacks, and he gave every encouragement to parties to bring it out, provided it could be done without interfering with military movements.

905. Who were the parties to the agreement?

I do not know that there was any formal agreement. There seemed to be a mutual understanding.

906. Who were the parties to that understanding, so far as the Union forces or authorities were concerned?

General Banks and the treasury agent there repeatedly stated that there would be no interference with or seizure of cotton bought of rebels in this way. The cotton was brought out with that understanding, but Porter seized it.

907. Who had made the statement on the rebel side, that this trade would not be interfered with?

I could not tell you who made the statement, but there seemed to be such an understanding. The proof that there was such an understanding is found in the fact that they acted on it, and hauled their cotton down to the river, which they would not have done if it had not been the understanding that it was not to be seized. I cannot state the fact from my own knowledge, because I do not know it. I state what was the general impression, and the fact that the banks of the river were lined with cotton when Admiral Porter went up is a proof that it was the understanding.

908. What was done with the cotton that was seized by Admiral Porter?

Some of it was taken up the river, and went into the courts in Illinois; some of it has been surrendered, and, I presume, some of it has been confiscated. I do not know.

909. Are you interested in any other cotton transactions than those you have spoken of?

No, sir; I never have been.

910. Have you ever purchased cotton since the breaking out of the rebellion?

Only in the way I tell you.

911. How much have you purchased in that way?

We have contracted for about 30,000 bales, all told.

912. Under this permit?

No, sir; under a permit granted before that, by the treasury agent in New Orleans. Permits were frequently given by him to parties to purchase and procure a certain amount of cotton, sugar, and other products outside the lines. They then, after purchasing, had to obtain the permission of the military authorities to bring it out, which, at one time, would usually be given, if it could be done without detriment to the service. A great deal of cotton was brought in that way.

By the chairman:

913. Do you mean that your 30,000 bales were brought out in this way?

O no, sir; we have brought out but very little cotton. The reason was, that after we had obtained the permission of the treasury agent, we could not get permission from any

competent military authority to bring it out, for fear of the imputation being cast upon him of mixing up in cotton speculations. It is very difficult for a man to do anything down there in getting out cotton, for that reason. The military commanders, most of them, do not oppose the policy; but so much has been said, and the characters of so many of them blackened by charges against them as cotton speculators, that they are very cautious and shy of giving any authority on the subject. We would not undertake to bring any out, unless we could get a straight, square permit. Most of the cotton that was brought out in the early part of the year 1863 was brought by a set of unscrupulous fellows, Jews and anybody who would hang along on the front of the army and along the lines, and smuggle a bale or five bales at a time. A good deal of that was seized, confiscated, and sold; but it came out in that way. You could not get respectable and responsible parties to go into the business. They were trying to get the government to adopt some policy legalizing and legitimatizing a trade of that kind.

914. Did parties get permits to take provisions and articles useful for the rebel army in the side rebel lines?

I do not doubt that there have been a thousand things taken in of that description; it is so stated. I could not put my hands upon the first man I positively knew had taken in such articles, but I have no doubt but that it has been done; and it has been done by the same class of men I have mentioned, by sutlers, Jews, and such men—who will smuggle and steal small amounts through the lines. I do not know of any permits having been issued to put such material into the rebel army. In Louisiana there are a great many people who have leased plantations, and these plantations extend over so large an area that they are not always protected by a picket in the rear, because we have not sufficient military force to do so. The parties having these plantations have permission to take out a certain amount of stuff for their support, and I have no doubt that under that guise a great deal has been taken within the rebel lines.

915. In obtaining this permit, did you make any agreement to pay any person directly or indirectly, for his influence in getting it?

Nothing except to parties in interest.

916. What parties in interest did you agree to pay?

Those only who were connected with me in furnishing means, &c.

917. Were any considerations or inducements held out to parties for influence in getting it?

No. It was obtained upon a plain statement of facts.

918. Do you know anything in relation to permits in New York being sold or offered for sale?

Yes; I have had parties come to me and propose to sell.

919. Do you know of any being sold?

No, sir; I do not.

920. Who has offered any for sale?

I do not know in whose name these permits were granted.

921. Who offered them for sale?

I do not know whether the parties who came to me were second-hand parties or not. I did not propose to buy; and I do not know that I can name the parties. I think a man by the name of Durfee, or some such name, came to me about a permit once.

922. Where does he live?

I do not know.

923. What price did he propose for it?

I do not know. I never talked about anything of the kind. They would come to me and ask me if I didn't want to buy; I would take no notice of it.

924. Do you know of large amounts being asked for an interest in a permit?

No; I do not. I have heard incidentally of permits being sold, but I do not know about the name, price, or anything about them.

925. Do I understand that no supplies have been taken in under this permit?

I do not know what the parties in New Orleans may have done. Of course, as soon as General Canby will allow that permit to go into execution, they will bring in cotton under it.

926. Do I understand that General Canby has, by military regulation, forbidden this trade?

It amounts to about an absolute prohibition. I know his policy is against anything of the kind.

927. Who is this Mr. Weed?

He is a man carrying on a large number of plantations in that region.

928. What were your inducements to let him in?

I will answer that question by telling you this: When I first went to New Orleans the State Bank of Louisiana had about a million dollars of confederate currency, taken on de-

posit. General Butler issued an order prohibiting the circulation of that currency, and he then issued another order requiring all deposits made in bank to be paid in United States currency. That would, of course, require this old bank to replace this million dollars by greenbacks, which would just eat up its entire capital. Of that capital \$700,000 was owned by northern men. In representation made to General Shepley, the fact was also stated that the bank owed the State \$450,000 or \$460,000, which they could only pay in this currency. They obtained from Governor Shepley, with the approval of General Butler, permission to send men into rebeldom with this confederate money and buy cotton, and that that cotton might be brought in when they could reach it. The man employed by them went up into the Red river country and purchased 3,000 bales of cotton. He went up to Shreveport and that part of the country in the northwestern part of the State. When our troops took Baton Rouge the rebels, having a large amount of cotton in that region, proposed to this bank to make an exchange. They did make the exchange, and the bank took cotton upon the Washita river, under the sanction of the military authorities. Mr. Weed bought that cotton. Of course Mr. Weed, having so large an amount of cotton to which he had an unquestioned title, made it an inducement for me to include it under my purchase, and therefore to let Mr. Weed in. In other words, I believed I could make more money by so doing than by carrying on the business alone.

929. Mr. Weed was mixed up with these operations of the State Bank of Louisiana.

He bought that cotton of the bank with the consent of the United States authorities.

930. Who gave their consent there?

General Banks, and General Shepley, who was at that time military governor. A statement of all that is on file with the President. I submitted it to him, I know, at the time I proposed to take fifty per cent. in government securities and deposit them in the treasury. This bank cotton was in that contract. The State of Louisiana also owed the United States government (and, I believe, have not paid it yet) some amount of money, which amount was to be liquidated by the bank in this transaction.

By the chairman :

931. Have you any idea of the amount of cotton brought out on that Red river expedition?

I could not answer that question, for the reason that a great deal of it was seized. The naval forces went straight up the river, and seized it as fast as they could. When the inhabitants found out what was going on, they burned a great deal which had been brought to the river.

932. Have you any idea of the amount Porter brought away?

I have not. A great portion of that cotton, instead of being brought to New Orleans and sold, was sent up the river to Cairo.

933. But you mean to say that it amounted to many thousand bales?

Yes; I supposed he had taken from five to eight thousand bales, but I could not tell exactly; it is merely an impression that I have.

934. Do you know a man in New Orleans by the name of Bodfish?

I knew a man there of that name, but I do not know whether he is there now or not.

935. Do you know anything about his operations in cotton?

I know he had a pretty large operation in 1863 at Baton Rouge.

936. Was he then within the rebel lines?

No, sir; he lived in Baton Rouge.

937. Do you know of his being within the rebel lines?

No; I presume he communicated with them however—almost everybody did.

938. There was no other way of succeeding in these transactions except by communication through the lines?

No; you must have some party outside the lines who can protect it until it is brought within our lines.

939. Then those permits involve some one passing the rebel lines?

Yes.

940. And a correspondence with the rebels?

Yes; they have to make some arrangement with the rebels. I suppose they make the best arrangement they can. Of course they have to make some arrangement with the rebels or with guerilla parties. The country back of Baton Rouge in the early part of 1863 was not much occupied by the troops of either party for a good many miles back, and was consequently much infested by guerillas and scouting parties.

941. Are we to understand distinctly that the military authorities in Louisiana encouraged this trade?

Yes, they sanctioned the policy.

942. And they endeavored to facilitate the trade by permits?

Yes, when they were satisfied that the parties would not abuse them, I think they did.

By Mr. Ward:

943. Do you know of any officers in the army who were engaged in cotton operations while in the army? No, I do not.

944. Do you know of near connexions of such officers being so engaged?
I do not know that I do.

945. Was this cotton usually brought out during the day, or night?

It came in daylight mostly. There was nothing secret about it. Its arrival was always reported at headquarters, and it usually passed through the quartermaster's hands for transportation.

946. What benefit did the government derive from it?

Simply the taxes. At that time they had a hospital tax down there for the benefit of invalids; and then there was the revenue tax, amounting in all to about six cents a pound. The hospital tax was so much a bale; the internal revenue tax was fixed at so much a pound. There was a great deal of cotton that came through, however, as I have said, by sutlers, Jews, and that class of people, from which the government derived no benefit. These parties out in the front would bribe the pickets, or in some way manage to smuggle it through. I cannot speak of any cotton that I know came through in that way, but a great deal of it turned up that nobody could tell where it came from.

947. Were facilities furnished by the rebel forces as well as ours to get this cotton out?

I do not think the rebel government facilitated it very much. They wanted the cotton themselves, and they would not encourage taking it out unless provisions or munitions of war or something substantial was furnished in exchange. They would not encourage the sale of cotton for greenbacks; on the contrary, in the department of Texas and in the Red river country very stringent orders were issued, prohibiting anything of the kind. There was a Major McKee who they fancied was mixed up in such an operation, and he came very near losing his neck for it.

948. Who was in command of our forces at the time these transactions occurred?

When I went there in 1862 General Banks was. I think General Banks relieved General Butler about the middle of December, and I arrived there about ten days after.

949. Then you was not there during General Butler's administration? I was not.

950. Have you been in the service at all?

When I went there I went as deputy United States marshal under the provisional court established by the War Department and President. That was in January, 1863. The court was organized under Judge Peabody.

951. Was or was not the general effect of these cotton transactions demoralizing?

It was in the way it was done, because you could not get a commanding general to license it, for fear of the charge being made against himself that he was mixed up in it.

952. Did General Banks sanction getting out cotton from the rebel lines?

He sanctioned it in his policy. He advocated it very strongly, and he came to Washington for more direct authority. He didn't want to take the responsibility himself. He very strongly approved the proposition which I made to the authorities here, and which Secretary Chase kicked over for some reason or other. From that grew out the regulations of January, 1864, which never amounted to anything.

953. Were not permits granted by the agents under those regulations?

Yes; though but very little was done under them.

954. Do you know any other parties who have been successful to any great extent in obtaining contracts?

No, sir; I know that there are other parties situated in the same position that I am, who are doing exactly what I am doing, waiting for the general in command to allow the permits to be used.

— THURSDAY, *February 9*, 1865.

Members present:

Senator.

Mr. MORRILL, chairman;

Representatives.

Mr. WASHBURNE,

ELIOT,

LONGYEAR,

WARD,

PERRY.

THOMAS C. DURANT called, sworn, and examined.

By Mr. Washburne:

955. Be good enough to state what is your residence and business.

I reside in New York; am a vice-president of the Pacific Railroad Company.

956. Have you, at any time since the breaking out of the rebellion, and if so, at what time, been connected with any trade with the rebel States? If so, in what manner, to what extent; if connected with any persons, with what persons?

I purchased some cotton of a Mr. J. W. Jennett.

957. At what time?

I think it was in October or November of 1864.

958. How much cotton did you purchase of him?

I think there were 1,162 bales.

959. Where was that purchase made?

In New York.

960. Who is Mr. Jennett?

I do not know; he was brought there as a man having cotton for sale.

961. Do you know his residence?

He was in New York; I do not know where he resided at that time.

962. Do you know whether he had been a permanent resident of New York city?

I think not; I think he was formerly either from Mobile or Florida. His cotton was in Florida.

963. Where was this cotton when you purchased it?

It was near Indian River, Florida, and Tampa Bay.

964. Was it within the rebel lines?

It was and was not; our gunboats could run right inside where it was.

965. Have you got the cotton out?

No, I have not.

966. What price did you pay for it?

I do not know what price I paid for it. I think I paid some \$7,000 or \$8,000 down. I was to pay him one-sixth of the gross amount of the purchase of the cotton at, I think, 20 or 30 cents a pound. The contract was made by other parties; I merely went into it and took half the cotton. I suppose they wanted me to furnish money for transportation. I have here a copy of the contract for that cotton, a duplicate of which I gave to Mr. Jennett. I also have here the original bill of sale, executed by Mr. Jennett to me, and of my agreement with Mr. Jennett, all of which papers I submit to the committee.

"Memorandum of agreement made November 13, 1864, between H. A. Risley, agent authorized to purchase, for the United States, products of States declared in insurrection, of one part, and Thomas C. Durant, of the other part.

"The said Durant agrees to sell to said Risley, agent as aforesaid, and to deliver to him at Norfolk or New York, four thousand one hundred bales of cotton, product of the State of Florida, to be transported by way of Key West, Pensacola, or Fernandina; and the said Risley, agent as aforesaid, agrees to purchase said cotton on the following terms and conditions:

"The said cotton to be sold in New York, by or under direction of the said Risley, under the same conditions as other sales of like public property are made, all expenses, costs, and charges connected with the purchase, transportation, storage, and sale of the same, together with the internal revenue tax, and permit fees prescribed by regulations, to be first paid, and the net proceeds, over and above such expenses, costs, charges, taxes, and fees, to be disposed of as follows: one-fourth part thereof to be retained for the United States, and three-fourths to be paid to the said Thomas C. Durant.

"And it is further agreed between the parties, that all cotton transported under this contract shall be consigned to said Risley, agent as aforesaid, and shall be shipped on a government transport, or if not so shipped, shall be in the immediate charge of an agent to be appointed by the said Risley, whose compensation and expenses shall be paid by said Durant.

"Nothing in this contract contained shall be construed as incurring any liability on behalf of the United States.

"H. A. RISLEY,

"*Sup. Spec. Agt. Tr. Dept., authorized to purchase products, &c., &c.*

"In addition to Fernandina and Pensacola, Florida, as the places of delivery to me or my agents of the four thousand one hundred bales of cotton, sold to me, as government agent, by the said Thomas Durant, I hereby agree to receive the same, or any part thereof, at Savannah, Brunswick, or Darien, in the State of Georgia, for the purposes and subject to the conditions set forth in said contract; this stipulation, however, is subject to all military regulations, and only to take effect when said ports or places are declared open by the government of the United States.

"H. A. RISLEY,

"*Superintending Special Agent, &c.*

"JANUARY 10, 1865.

"This memorandum of agreement witnesseth, that whereas I have this day purchased of James W. Jennett three separate lots and parcels of cotton, to wit:

"First. A lot of twelve bales of cotton deposited and stored at or near New Smyrna, or Mosquito inlet, on the coast of Florida.

"Second. A lot of fifty bales of cotton deposited and stored on the beach at or near Indian River inlet, on the coast of Florida.

"Third. A lot of one thousand bales of cotton deposited and stored on the beach at Indian River inlet, near to the fifty bales last above named.

"The two first named quantities, to wit, (62) sixty-two bales of cotton, I purchase from said Jennett as his own individual property, and in addition to other considerations, am to pay over and account to said Jennett for one full half part of the net proceeds of the same when received and sold by me, be the same more or less.

"And the last named lot or parcel, to wit, one thousand bales of cotton, I purchase from said Jennett as the agent for other parties for whom he sells the same, and in addition to other considerations advanced and provided, I agree and bind myself to pay over and account to said Jennett for one full sixth part of the net proceeds of said thousand bales of cotton, when the same is received by me and sold as aforesaid.

"The said cotton being purchased by me under and subject to the existing regulations of Congress, fixing the terms and conditions for the purchase of cotton or other produce, from States in whole or in part in rebellion against the government of the United States.

"In witness whereof, I hereunto affixed my hand and seal, this 18th day of October, A. D. 1864.

THOS. C. DURANT.

"Bill of sale of one thousand and sixty-two (1,062) bales of cotton, more or less, stored at Indian River inlet, and New Smyrna or Mosquito inlet, on the coast of Florida.

"For value received, I hereby assign, sell, set over and deliver to Thomas C. Durant, or order, of the city of New York, the following lots and parcels of cotton, located, stored, and being at the following places on the eastern shore of Florida, to wit:

"First. A lot of twelve bales of cotton deposited and stored at or near New Smyrna or Mosquito inlet, on the coast of East Florida.

"Second. A lot of fifty bales of cotton deposited and stored at the bar of Indian River inlet, on the coast of Florida.

"Third. A lot of one thousand bales of cotton deposited and stored at and adjoining the last named parcel of fifty bales of cotton at the Indian River inlet, on the same coast of Florida.

"I believe said lots and parcels of cotton to be in good condition, as the same was deposited, placed, and stored with great care, and with a special view to its perfect preservation.

"In testimony whereof I have hereunto affixed my hand and seal, this the 18th day of October, A. D. 1864.

J. W. JENNETT.

"Indorsed :

[Memorandum.]

"The within cotton is sold and purchased subject and in obedience to the existing regulations as provided by Congress for the purchase of cotton, &c., from citizens in the States in whole or in part in a state of insurrection.

J. W. JENNETT.
THOMAS C. DURANT."

967. Who are the other parties that he refers to in the memorandum of agreement?

The residents in the vicinity who have secreted their cotton. The cotton was secreted to prevent its being burned.

968. The agreement also states that, "in addition to other considerations advanced and provided," you are to pay to Mr. Jennett one-half the proceeds of the cotton belonging to him, and one-sixth of that belonging to other parties. What were those "other considerations advanced and provided?"

That I should advance money to pay freight and for furnishing vessels to bring away the cotton, and also obtain a permit for bringing it out.

969. Did these "considerations" embrace any money paid to Jennett?

I paid some \$7,000 or \$8,000, as I stated, and they may draw on me for more. I do not know. I refused to pay any very large sum of money until the cotton was brought out.

970. Were you to have one-half of the entire amount of cotton covered by the agreement?

Yes. Jennett had purchased the cotton in Florida, as I understood, at from 50 to 80 cents a pound in confederate currency, and as I purchased it of him he would realize from 20 to 30 cents in greenbacks, according to his idea. I could not tell exactly what his arrangement was, but I know, in conversation, it was understood I was to have one-half the entire amount, and Mr. Jennett or the owners were to have in greenbacks the equivalent they asked for their cotton in confederate money.

971. What has been done in relation to that cotton?

Nothing but to obtain the permits.

972. Who obtained the permits?

I sent to Mr. Fessenden for them.

973. Were these permits granted?

Yes, sir.

974. To whom?

To me.

975. Upon what ground was the application based?

It was based upon a letter I wrote to the Secretary of the Treasury, the draught of which I have here and present to the committee :

“DEAR SIR : I have purchased and am now the proper owner of one thousand and sixty-two bales of cotton, deposited and stored away on the Indian River inlet, on the east coast of Florida, as you will see by the enclosed bill of sale ; also one hundred bales, near Tampa, on the west coast of Florida.

“This cotton was bargained for before the last act of Congress was passed by the party from whom I purchased. I therefore state my purchase in such way as to make it conform to that act—reserving to the United States 25 per cent. of its net proceeds, after a full compliance with all the revenue regulations.

“I respectfully request a permit, general or special, to bring away the cotton from where it is stored, it being now inside of the federal military or naval jurisdiction, and will be pleased to have leave to ship it direct to New York for sale, subject to government control, or, if preferred, to deliver to the government agent for Florida, wherever located.

“I have also bargained for some more cotton situated in the same vicinity, which I should be pleased to have leave to bring out and dispose of in the same way.

“As the cotton must, of course, be more or less subject to damage or destruction, and hence total loss, as at present situated, I hope the matter may receive your earliest convenient attention.

“Respectfully, your obedient servant,

“Hon. W. P. FESSENDEN, *Secretary of the Treasury.*”

976. There is no date or signature to this letter. Can you state when it was dated, and by whom signed?

It was signed by myself, and dated in the fore part of November.

977. Was the application made to Mr. Fessenden or to the cotton agent?

It was taken to Mr. Fessenden directly by Mr. Stewart.

978. What Mr. Stewart?

J. B. Stewart. I met him in Washington. He said he knew Mr. Fessenden. He knew of this permit being under consideration, and he took the paper and handed it to Mr. Fessenden, who told him the cotton matter was under consideration, and that this application would be referred with other matters.

979. What was done next?

The contract was made and signed, and the permit secured. A copy of the contract was filed in the department, with the papers accompanying the application.

980 And upon this application to the Secretary of the Treasury, a copy of which you have handed the committee, you received a certificate from Mr. Risley, and an order from the President?

I did, and I now submit them to the committee :

“NOVEMBER 30, 1864.

“I, Hanson A. Risley, agent for the purchase of products of insurrectionary States, on behalf of the government of the United States at Norfolk, Virginia, do hereby certify that I have agreed to purchase from Thos. C. Durant, of New York, eleven hundred bales of cotton, situated at or near Indian River inlet, east coast of Florida; also, three thousand bales of cotton, situated on the tributaries of Indian river, east coast of Florida, which products, it is represented, are or will be at or within the national military lines in the State of Florida, on or before the first day of July, 1865, and which he stipulates shall be delivered to me, unless he is prevented from so doing by the authority of the United States.

“I therefore request safe conduct for the said Thomas C. Durant, his agents, and his means for transportation, and said products from the vicinity of Indian River inlet, on the east coast of Florida, within the lines of military occupation by United States forces, to Key West or Pensacola, in said State, (*without violation of the blockade,*) where the products so transported are to be sold and delivered to me under the stipulation referred to above, and pursuant to regulations prescribed by the Secretary of the Treasury.

“H. A. RISLEY,

“*Sup. Spec. Agent Treasury Department, authorized to purchase products, &c., &c.*”

"EXECUTIVE MANSION, November 30, 1864.

"An authorized agent of the Treasury Department having, with the approval of the Secretary of the Treasury, contracted for the cotton above mentioned, and the party having agreed to sell and deliver the same to such agent,

"*It is ordered*, That cotton moving in compliance with and for fulfilment of said contract, and being transported to said agent or under his direction, shall be free from seizure or detention by any officer of the government; and commandants of military departments, districts, posts, and detachments, naval stations, gunboats, flotillas, and fleets will observe this order and give the said Thos. C. Durant, his agents and transports, free and unobstructed passage for the purpose of getting said cotton or any part thereof through the lines, other than blockaded lines, and safe conduct within our lines while the same is moving in compliance with regulations of the Secretary of the Treasury, and for fulfilment of said contract with the purchasing agent of the government.

"ABRAHAM LINCOLN."

981. You have exhibited a contract with Mr. Jennett for 1,062 bales of cotton. This contract calls for not only that, but 3,000 bales of cotton situated on the Indian river and its tributaries on the east coast of Florida; how do you explain that?

Mr. Jennett proposed to deliver 3,000 bales of cotton, provided the rebel troops were away, as he supposed they were, so that the parties could get out the cotton. He knew where 3,000 bales were, which parties had authorized him to sell, and the permit was therefore made to cover that. There were also 1,500 bales of cotton which I had bought from some other parties in New York.

982. You have in this certificate covered 3,000 more bales than the contract with Mr. Jennett and the parties there referred to represented?

Mr. Jennett represented these 3,000 bales.

983. Why was not that so stated in the contract?

We have another contract for cotton, which has gone down there, but I can get a copy of it if the committee desire it. Mr. Myers and Mr. Jennett agree to deliver 1,500 bales, provided the rebel authorities did not get track of it and burn it.

By Mr. Eliot:

984. Was that 1,500 bales a part of the 3,000?

It was all included in the same permit. It was cotton they owned; a portion of it they raised on their own plantations.

985. Did you make any certificate describing the situation of these 3,000 bales more specifically than you have done in this statement?

Oh, no; that is the statement.

986. What are words erased in that memorandum of agreement over which this has been written, "or within national military lines?"

When the permit was first given it was sent to New York. There was a question with the Secretary of the Treasury, as I understood, whether the permit ought not to specify "within blockaded lines," to make it more specific. The words originally written were, "without violation of the blockade," or something of like import. They thought that was not strict enough, and therefore sent for the contract back again, when this change was made.

Who requested that alteration?

Mr. Risley.

987. And he made the alteration?

I do not know; I did not give it to Mr. Risley; I sent it to the department by Stewart. The question came up in this way: Mr. Seward took the ground, as I understand, that Indian River inlet and Tampa Bay had not been relieved from the blockade and were not open ports, and therefore the change was made to prevent the paper from being construed into a permission to interfere with the blockade.

988. And that was all the reason why your certificate was returned?

I suppose so.

989. You have spoken of another cotton transaction; what was that?

These New York parties, Mr. Myers and some one else—I forget who—proposed to sell 1,500 bales, the contract for which will explain the whole matter, and which I will send for and deliver to the committee.

990. Did you get another certificate?

Oh, no; it goes as a part of the 3,000 bales.

991. Have you had any other certificate?

No.

992. Have you made any application for another?

No; I did make an informal one before I received this. I asked the department what their rules were, and they told me their object was to get out cotton; that they wanted to afford every facility for getting it out; that it was immaterial whether it was purchased of loyal men or rebels.

993. Who told you that?

I was told it at the Treasury department.

994. By what person?

It was in Mr. Risley's room; they spoke of it as the policy of Mr. Fessenden. I was talking of purchasing cotton, and asked how I would know whether the men were loyal or not. They said it didn't make any difference; that the object of the government was to get out cotton. I spoke of purchasing cotton from a man in New York, and said that I did not know whether he was a loyal man or not. They said it made no difference; the object of the department was to get out cotton.

995. Who said that?

I think it was Mr. Risley. Everything I have heard said at the department has been predicated upon the law of Congress, the discussion being upon the construction of that law.

996. In regard to this first permit for Mr. Jennett, did you employ any counsel to aid you to get it?

Mr. Stewart took the papers to Mr. Fessenden.

997. As counsel?

Mr. Stewart brought Jennett to me.

998. Was Stewart interested in any way?

I suppose so.

999. Do you know whether Mr. Stewart is interested in that transaction in any way or not?

He has half that is made, so far as I am concerned; I do not know what he has from Mr. Jennett.

1000. Was any charge made to the concern for his influence in getting the permit?

No, he had a chance to buy cotton; he had not any money or did not want to invest it in that way, and he proposed that I should take an interest and invest the money.

1001. Then Mr. Stewart aided you in this matter from the influence he had jointly with you in the transaction?

I do not know about that; I do not know, personally, that he ever saw Mr. Fessenden except to take the letter in. He charged me nothing.

1002. There was no understanding expressed or implied that he was to have anything extra for his services?

Oh, no; he never mentioned such a thing.

1003. What was the object of letting him in if he paid no money?

Mr. Stewart brought Mr. Jennett to me in the first place, and said to me that if I was disposed to take one-half and furnish the money I could do so.

1004. Be good enough to state, as far as you can recollect, the names and residences of the parties interested with you in this transaction, or in any other transaction you have had connected with trade in the rebel States.

This Myers and party are the only ones.

1005. Where does he live?

He lived in New York; I do not know whether he is there now or not. I believe he resides there.

1006. Did you know anything about him before this transaction?

No.

1007. Do you know whether he is a man of any means?

I understood he was a man of means; he has proposed to furnish money.

1008. Can you name any other parties?

Mr. Stewart suggested that we should take a Mr. Barringer under our permit.

1009. Then I understand you to say that the only parties with whom you have been interested in any way with the subject of trade in the rebel States are Jennett, Myers, Barringer and Stewart?

There was a permit to D. R. Martin for cotton stored in a swamp about eight miles from Fort Tampa, with which 100 bales of my cotton was secreted. I am interested with Mr. Martin in his permit to that extent, and that is all that I can claim by any written agreement, though there was a talk that I should have an interest in Martin's lot of cotton, but I do not know that anything has been done under it.

1010. Is Mr. Stewart interested in Martin's permit?

Stewart, as I understand, purchased a lot of cotton, and then, in order to get it out, had it included in a permit to Martin.

1011. Martin has different permits, has he not?

He had a permit for a lot stored near Tampa Bay. The only cotton I have is that which I have stated. I have had correspondence with a number of persons, but I have never applied for any other permit.

1012. You spoke of having a vessel sent down there; do you recollect her name?

I do not.

1013. What was she loaded with?

She was merely loaded for ballast, with some salt mackerel and flour, I believe, which were consigned on order to the collector of the port at Fernandina.

1014. Was the vessel large or small?

There were two, I think, about 150 tons each. The two together would bring about 250 or 300 bales of cotton.

1015. Were these vessels loaded with any pork?

No; I think with nothing but salt mackerel and flour.

1016. Who had charge of the vessels?

I do not recollect the names; I will send you copies of the bills of lading, invoices, and everything.

1017. Have you had any contracts in regard to cotton with any parties other than those you have spoken of, or in regard to getting cotton out and sending other things in to pay for it?

I have had a correspondence about that.

1018. With whom?

Beverley Tucker.

1019. Who is Beverley Tucker?

He was represented as a man who had or could get permits on the other side to bring out cotton. I never found that he had a permit, or that he could get one. I think it was a speculation on his part that he wanted to go into.

1020. Do you not know that Beverley Tucker is an agent of the rebel government in Canada? I do not.

1021. Have you ever understood so?

I understood that he was in Canada; I did not understand that he was such an agent.

1022. State the character of your correspondence with him.

I wrote him that I understood there had been permits granted on the other side to bring out cotton; that I understood he had influence there, and I proposed to him if there were permits granted on the other side, that one should be obtained to get out five or ten thousand bales. He sent in return that he did not believe any permits had ever been granted by the rebels on the terms I supposed; that there were permits granted by the rebel government to bring out cotton, provided they would return provisions pound for pound; that they were afraid to give permits otherwise unless they could make a show of bringing back something. He was informed that they could not make any such arrangements under these permits, because our laws provided that no articles could be taken in until cotton had been brought out. He said then that nothing could be done; he would like, if he could, to obtain a permit from the rebel government, for he wanted to get his family away. My proposition was sent open by Colonel Baker, chief of military detectives, for it. I supposed that some object was designed on his part, and a copy was therefore sent to the War Department at the time.

1023. Where is the proposition which was made to Mr. Beverley Tucker?

I can get a copy of it; it was in the hands of a third party.

1024. Who is that third party?

Mr. Latham brought it. The proposition came from Mr. Haskell, stating that he or his friend had authority from the President to do certain things. Since that was done, I wrote a note to Major General Dix, in command of the department at New York, stating that certain propositions had been made, with the representation that authority had been given by the President or War Department to make such a proposition. If the statement was correct, I did not do wrong in sending the communication; if not, by sending a copy of it to the War Department, it could be exposed.

1025. Where is the original correspondence you had with Tucker?

I kept no copies; it came back merely with an indorsement of his on it. I have given the substance of the correspondence.

1026. Did anybody see the first letter you wrote to Tucker?

Colonel Baker saw it. Baker said that he had authority from the President of the United States to give passes or permits. I did not know whether he had or not, and I therefore wrote to General Dix explaining the whole matter.

1027. Before you entered into this correspondence with Tucker, did you have any permission from the government?

Baker represented that he had.

1028. Did you have any permission to enter into this correspondence with Tucker?

Oh, no.

1029. Have you Tucker's answer?

I have not; Baker may have it. It did not amount to anything. The proposition we made was made under the act of Congress and the regulations of the Treasury Department.

1030. Did you make any contract with Mr. Haskell in regard to this matter which contemplated getting out cotton?

That is the contract the notice of which I sent to the War Department.

1031. Did it contemplate getting out cotton through Tucker and sending back goods to the rebel lines?

Yes; but sending nothing contraband of war.

1032. Was there anything in it which contemplated any permission from our government in any way?

Yes. I will telegraph for the contract itself to be sent on; it was deposited subject to the joint order of Haskell and myself. It was predicated upon the statement that Mr. Haskell or his friend had authority.

1033. What was done with it?

I do not know; it was sent to the President or War Department. Nothing has been done under it.

OSCAR H. BURBRIDGE called, sworn and examined.

By the chairman:

1034. Give the committee your residence and business.

I reside in Bourbon county, Kentucky. My occupation is that of a farmer, though I have engaged in a good many branches of business.

1035. Have you been engaged in trade with the rebellious States since the breaking out of the rebellion?

Somewhat.

1036. To what extent?

Very limited. I have brought out from States in rebellion about ninety bales of cotton only.

1037. Did you get them out under permit?

Yes, sir.

1038. Who granted the permit?

I obtained it from Mr. Mellen, treasury agent at Cincinnati. I had permission also from Admiral Porter to take a boat up the Yazoo river.

1039. When was this?

It was in May, 1864, that Mr. Mellen gave me the authority; and on the 25th of July General Slocum approved Admiral Porter's permit to go after it.

1040. Did you go after it?

I didn't go myself, but I sent a steamer up to Yazoo City.

1041. Were the rebels in possession of Yazoo City at that time?

Yes, sir.

1042. Did you bring out the cotton?

Yes.

1043. Did you have any difficulty in bringing it out?

No.

1044. What did you take in?

Fifty-seven barrels of whiskey.

1045. By whose authority?

By that of General Slocum. General Slocum's authority to take this vessel and these articles up the river may be found in these papers, which I hand to the committee, with an invoice of the articles authorized to be shipped.

"VICKSBURG, Mississippi, July 27, 1864.

"O. H. BURBRIDGE & Co.,

Bought of GEIGER & Co.:

'Boat and bar stores, steamer Atlantic No. 2:

67 barrels whiskey.

20 cases claret wine.

5 cases Rhine wine.

5 baskets Champagne.

"Approved.

"H. W. SLOCUM,

"Major General Commanding.

"HEADQUARTERS DISTRICT OF VICKSBURG,

"Vicksburg, Mississippi, July 25, 1864.

"Colonel Burbridge is authorized to go up Yazoo river, for the purpose of bringing to market cotton purchased under proper treasury permits.

"The boat will be allowed to take on board boat and bar stores. No other merchandise will be allowed on board.

"H. W. SLOCUM,

"Major General Commanding."

1046. To what point was the cotton brought?

To Vicksburg.

1047. Who was in command at Vicksburg when the cotton came there?

Just about the time the cotton got there General Dana was placed in command; I am not sure whether he had assumed command, or whether General Slocum was still in command. Upon the arrival of the cotton at Vicksburg General Dana had gone up to Helena; on his return I presented the papers, and showed him my authority; he had a conference with General Slocum in regard to the authority. General Dana acknowledged before General Slocum that he (General Slocum) was alone responsible to General Canby for giving the order. General Slocum said to General Dana that he had forgotten the exact amount of whiskey he had given a permit for; if he had been upon oath, he was inclined to think it was not quite as large as sixty-seven barrels, but he said that the order itself stated precisely

what the amount was. A gentleman who was interested with me—Colonel Starling—who had been Crittenden's adjutant general, owned this whiskey, and had had it in Vicksburg for a long time in store, but had not been able to dispose of it; and it was in consequence of Colonel Starling's age and services to the government that General Slocum gave this permit. It was given in my name, but it was for Colonel Starling. I have here the report of the judge advocate who investigated the case, which will explain everything.

“HEADQUARTERS DISTRICT OF VICKSBURG,
“*Vicksburg, Mississippi, September 5, 1864.*

“SIR: I have the honor to submit the following report relative to the steamers Atlantic No. 2 and Mark R. Cheek, and their late expedition up the Yazoo river. I have endeavored to give the subject the fullest investigation within my power. I submit the sworn statements of Colonel O. H. Burbridge, Colonel Lyne Starling, Captain Thomas W. Grey, master, Hector K. Cowles, and Thomas A. Evitt, relative to the steamer Atlantic No. 2, and the statements of Messrs. Frank W. Reynolds, P. H. Cobb, Captain B. J. B. Weaver, relative to the Cheek, while the statements of Mr. Evitt and Edward C. Ames are relative to both steamers.

“I submit the original bills of goods, approved by Major General Slocum, taken by these steamers, and certified copies of all papers which I deemed pertinent to the case, within my reach.

“I submit the following synopsis of the facts disclosed by the evidence before me:

“On the 27th of July last Major General Slocum, then commanding the district, approved a permit for the shipping by Colonel O. H. Burbridge of sixty-seven barrels whiskey, twenty cases claret wine, five cases Rhine and five baskets Champagne wine, on the steamer Atlantic No. 2; and on the 29th of the same month his adjutant general, in the absence of General Slocum, approved a permit for the shipping of twenty barrels whiskey, twelve cases Catawba wine, 250 dollars' worth of cigars, and the same amount of tobacco, together with 1,500 dollars' worth of boat stores, on the steamer Mark R. Cheek.

“It does not appear that Adjutant General Rodgers had any especial instructions from General Slocum relative to the approval of the last bill. The just inference is that he may have conferred with General Slocum relative to the steamer Atlantic No. 2, and deemed it not improper to approve this bill. Certainly nothing implicates him as interested in the matter, and it appears to have been approved by him in the usual course of business.

“The steamer Atlantic No. 2 left this port the evening of the 28th; the Cheek, the 30th or 31st, freighted with the stores above named. The full amounts approved were not taken by either boat; the Atlantic taking 57 barrels whiskey, 3 barrels brandy, and the wine specified; the Cheek taking 17 barrels whiskey, the wine, and a portion of the cigars and tobacco.

“The steamers proceeded up the Yazoo, lay anchored a few days off Yazoo city, and then proceeded a few miles, two or three, above that city, and discharged their freight, and took on board the cotton; remaining up the river in all about two weeks. The whiskey and brandy, and a portion of the wines, were traded for cotton; the remainder brought back to this port. I am not of the opinion that anything other than the liquors was traded or exchanged for cotton, excepting the money paid in the settlement of the account—perhaps a thousand or fifteen hundred dollars. I cannot but think that the object of the expedition was fully understood by Major General Slocum; that the parties engaged in this enterprise with his full consent and knowledge; and, I think, in the utmost good faith—not supposing they were violating any military or other regulations.

“Colonel Starling appears to have talked with General Slocum upon the subject, on different occasions, fully and frankly, and between them there appear to have existed feelings of mutual esteem and regard. I have no doubt the bill of goods taken on the steamer Atlantic was approved by General Slocum, as a matter of favor to an esteemed friend whom he was desirous of assisting if he could properly do so; while the bill of liquors taken by the Cheek was understood by all parties to be disposed of in the same manner, with the same privileges and restrictions as those taken by the Atlantic.

“The parties interested both in the Atlantic and the Cheek appear to have been scrupulously solicitous not to transcend the privileges granted them, and I am not of the opinion that any of them, in any respect, have done so intentionally, if at all.

“The undeniable facts are these: that the boats left this port at the times above stated, to go up the Yazoo river; that they had the military and civil permits to take these liquors that they took there; that they were traded for cotton—the Atlantic No. 2 bringing out 91 bales and a few sacks, about 95 bales in all; the Cheek 28 bales and one sack, and fourteen bales private cotton, belonging to Mr. Evitt; that the cotton was purchased of a Mr. Coates, resident in that section of Mississippi, who evidently had some understanding with the confederate authorities relative to the sale and delivery of the same, or at least with General Wirt Adams, commanding rebel forces in that section. It is doubtful whether or not any guard was furnished the boats as such, or whether the armed men seen about the boats were not rather watching the movements of the boats. The testimony of the witness Ames would seem to be conclusive on this point, though it contradicts that of every other witness on this point. His statement in regard to other points in the case has but little significance—legally none. It is derived almost wholly from the rumors then current in Yazoo city, and from Judge Montgomery, who resided some miles away from the point where the boats touched, and his information is wholly hearsay.

"The different parties differ somewhat on minor points in their statements; but not more, I apprehend, than would the same number of witnesses in regard to any matter in which there was not the most explicit and positive understanding.

"I have not observed, in any of the parties examined, the slightest desire to cover up, to subvert or withhold, in any respect, any fact within their knowledge connected with the case. I have found them ready, frank, and I believe entirely truthful, in all their statements on points on which they were informed. But a single proposition, so far as these parties are concerned, remains to be discussed, and that is: Have these parties, Colonels Burbridge and Starling, Messrs. Reynolds, Colb, and Evitt, Captains Gray and Weaver, been guilty of wilful violation of any rules of the departments, military orders, articles of war, or acts of Congress relative to intercourse in insurrectionary districts? I am free to say I do not think they have been so guilty. The cotton was purchased under a permit issued by the Treasury Department, under the policy in vogue last winter of issuing permits to purchase in insurrectionary districts; they had the consent of Admiral Porter to take their boats into the Yazoo; the consent and approbation of General Slocum, then commanding the district, to go up the river with the goods taken, and, I must believe from the evidence, his full consent and verbal authority for their disposition as disposed of; and I do not think they exceeded the authority given them.

"But granting that all this is true; would it relieve them from the effect of Articles of War 56 and 57? I apprehend that it does. It certainly relieves them of any criminal *intent*, which alone determines the quality of this transaction. I know no reason why any citizen—the best in the land—may not have engaged in this or a like transaction possessed of the authority which these parties evidently deemed themselves possessed of.

"The high and patriotic character of Colonel Burbridge, his eminent services in Kentucky in behalf of the Union, his family name and associations, will not allow me to think that he has at this hour turned traitor for the small amount involved in this speculation. I cannot think that Colonel Starling would, for a like consideration, barter away the dearly-earned and priceless reputation of three years' service in the field and a life of integrity; nor can I think that Major General Slocum would stain his spotless reputation by granting to these or other parties privileges which he did not deem proper to be granted to them, or wholly within his power to grant. Of these other parties, Messrs. Reynolds, Colb and Evitt, Captains Gray and Weaver, I may say that while I have no acquaintance with them, nor indeed with *any* of the parties until this investigation, I have never heard their honor or integrity called in question. Indeed Captains Gray and Weaver do not appear to have had any pecuniary interest in the matter.

"I do not deem it proper for me to discuss the expediency or propriety of granting such permits and privileges as were granted in this case by Major General Slocum.

"I do not apprehend that he will be suspected by those who know him of having any pecuniary interest in the enterprise; and if the propriety of his action in the matter can justly be questioned or criticised, I feel assured it will not be difficult to extend toward him in this matter that feeling of kindness which he never failed to exhibit to others.

"I may say in conclusion, that when I commenced the investigation of this case, I did so, if not with a prejudice, certainly with a strong bias against these parties. Rumors had been current on the streets relative to the expedition, its object, purposes, privileges and conduct, to the prejudice of the good name of all these men, as well as that of Major General Slocum.

"Viewed in the light of the accompanying testimony, it seems another case entirely.

"I am, very respectfully, your obedient servant,

"GEORGE M. SABIN,

"Lieutenant and Judge Advocate, District.

"Lieut. Col. H. C. RODGERS,
Assistant Adjutant General."

"HEADQUARTERS DISTRICT OF VICKSBURG,

"Vicksburg, Mississippi, September 18, 1864.

"SIR: I have the honor to submit the accompanying statements of Edward Newsham, William H. Skinner, and Captain B. J. B. Weaver, relative to the steamer Mark R. Cheek, taken since submitting my former report upon the subject of the Cheek and Atlantic No. 2, and their expedition up the Yazoo river. It becomes necessary for me to modify and correct my former report to this extent:

"In my former report I expressed the opinion that nothing, except what had been permitted by Major General Slocum, had been taken by either boat up the river, and bartered for cotton.

"By the testimony submitted herewith it does appear that three sacks of coffee were taken, and a portion of it traded for cotton, and a portion for supplies for the boat. It should be remembered that this implicates only the Cheek and those interested in her trip.

"I see no reason to change my opinion expressed in regard to the Atlantic No. 2, and those interested in her trip and cargo.

"I am, very respectfully, your obedient servant,

"GEORGE M. SABIN,

"Lieutenant and Judge Advocate, District

"Lieut. Col. H. C. RODGERS,
Assistant Adjutant General."

General Dana stated that it had been represented to him by his detectives that we had carried up there other articles than whiskey, and that we had carried more whiskey than General Slocum's order authorized. The report of the judge advocate shows that we had not. I was not there myself. It was done by Colonel Starling under my authority. In the mean time I had received the following letter:

EXECUTIVE MANSION, *Washington, August 30, 1864.*

GENERAL CANBY: Messrs. Starling and Burbridge, at Vicksburg, in possession of cotton and boat, have been arrested and property seized. If they have acquired said property under proper permits and legitimately, a change of officers should not deprive them of their rights. Please send an officer to investigate, and if right, discharge them and property.

Yours truly,

A. LINCOLN.

(Duplicate.)

Indorsed:

I consider that Mr. Burbridge has acted in accordance with all the permits granted, and is entitled to his property.

DAVID PORTER, *Rear-Admiral.*

On the receipt of Mr. Lincoln's letter, General Dana turned the cotton over to the treasury agent, and I was released at the same time. The day the cotton was turned over to the Treasury Department and I was released, I returned home and left the matter in charge of my agents down there, and directed the cotton to be sent to New Orleans and sold. My agent wrote me the next day that Kallicott, I think it was, the treasury agent, after examining the judge advocate's report, and the authority I had, said there was no question as to the ownership of the cotton, and released it. He gave it a clearance to New Orleans.

1048. Do you understand that after this was turned over to the Treasury Department General Dana required any bond to be given?

Yes, for \$200,000.

1049. What were the conditions of the bond?

That suit should not be brought against him or against the government.

1050. Was the bond executed?

Yes, the bond was executed by Major Thomas G. Harold.

1051. Where is that bond?

I suppose it is at Vicksburg. The reason why that was required was a remark I made to General Dana asking him who would pay the damages. Cotton had declined in price forty cents a pound, and I had been at considerable expense and inconvenience myself.

1052. Do you know anything further about cotton transactions?

I do not know personally anything further.

FRIDAY, *February 10, 1865.*

Members present:

Senators.

Mr. MORRILL, chairman;
MORGAN,
SPRAGUE,

Representatives.

Mr. WASHBURNE,
ELIOT,
PERRY.

THOMAS C. DURANT called, and examination continued.

By Mr. Washburne:

1053. At the close of your testimony yesterday, you stated that you would send to New York for a contract, have you that contract?

I have it, and submit it to the committee.

"For and in consideration of the sum of one dollar to us, Leopold Beringer and David Meyer, of the city of New York, in hand paid by Thomas C. Durant, of the same place, the receipt whereof is hereby acknowledged, and for diverse other valuable considerations, we, said Leopold Beringer and David Mayer, do hereby assign, sell, and deliver unto the said Thomas C. Durant one thousand and sixty bales of cotton, which said cotton is now situated in the State of Georgia, but which we agree to deliver to the said Durant, or to his order, at Fernandina or Pensacola, in the State of Florida, or to some other place or places where it can be shipped and transported to the city of New York for sale, unless some other place of shipment and sale shall be hereafter mutually agreed upon, which said cotton is so transferred to said Durant as aforesaid, upon the following trusts, conditions, agreements, and under and standing upon his part, that is to say:

"The said Durant, having agreed to sell to H. A. Risley, as agent for the United States,

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four thousand one hundred bales of cotton, as per agreement dated 13th November, 1864, and holding an order from the President of the United States dated December 8, 1864, specially authorizing the said Durant to receive from within the lines of the Confederate States, and especially of the State of Florida, and to ship therefrom said cotton as aforesaid, said Durant hereby covenants, promises, and agrees with and to said Beringer and Mayer to receive said cotton when so brought within the control of the United States authorities at the place or places aforesaid, and also to furnish means to pay and defray any and all expenses which may accrue after such delivery aforesaid, and also to furnish ready and proper means and vessels for transporting said cotton to New York, as aforesaid, where the said cotton, after having been sold as required by law, and all expenses, government dues, reservations, and taxes being first paid, or allowed, the net proceeds arising from such sale or sales shall be disposed of and divided, as follows, viz :

“ One half part thereof shall be accounted for and paid over to the said Beringer and Mayer, or their order, on demand, as soon as such proceeds are realized and received by said Durant, and the other half part thereof shall be held and retained by the said Durant, or his assigns.

“ It is hereby mutually agreed that if the said Beringer and Mayer, or either of them, shall be able to collect and deliver, as aforesaid, any other cotton in addition to the thousand and sixty bales above-mentioned, the same shall, after the payment of all costs and expenses, including the purchase thereof, be received, paid for, shipped and disposed of upon the same terms and conditions, and in the same shares and proportions as are herein contained in relation to said 1,060 bales.

“ It is further understood and agreed that said Beringer and Mayer shall only use their best exertions to deliver said cotton, or any cotton included in this agreement, and shall not deliver said cotton, or any part thereof, to any other person or persons than the said Durant or his assigns, but they shall not be in any way accountable for causes which they cannot control, on account of government or military interference.

“ It is hereby mutually agreed that all charges, expenses, and taxes now resting on the cotton, or incurred in the removal of the same to the place or places of shipment, shall be borne and paid equally between and by the parties hereto, and further, that the said agent, H. A. Risley, or any other government agent or person who shall have said money, is hereby authorized and empowered to pay to said Beringer and Mayer the amount to which they are entitled to under this agreement, on demand ; and further, that all goods employed by either party for the purpose of buying cotton shall be charged at cost prices in New York, with expenses attached, and all profits on said goods shall be divided equally between the parties hereto.

“ The said Durant hereby further covenants with said Beringer and Mayer that he shall not, and will not sell said cotton, or any part thereof, except as aforesaid, or assign or dispose of his interest, under this agreement, to any person or persons whomsoever, without the consent in writing of said Beringer and Mayer first had and obtained ; and in case of his violating said last-mentioned covenant, he will forfeit and pay, as liquidated damages for such violation, to said Beringer and Mayer, the sum of fifty thousand dollars.

“ It is hereby lastly agreed that in case the one thousand and sixty bales of cotton be destroyed or removed, so that the same cannot be obtained by said Durant, then all liability to deliver said cotton on the part of said Beringer and Mayer shall cease, but in all other respects this agreement shall remain in full force and effect.

“ D. MAYER.

“ L. BERINGER.”

1054. The contract you have handed to the committee is one between yourself, Beringer & Mayer, in relation to cotton you spoke of yesterday. Have you also the contract referred to yesterday with Beverley Tucker?

I had no contract with Beverley Tucker. If you want to know what I have proposed to do, I can give it to you. I am now trying to make a contract with Beverley Tucker. If I stated yesterday that I had made a contract with Beverley Tucker, I desire to correct my testimony—that was not perfected. The only contract I had in reference to the matter was with Mr. Haskell.

1054. What was this contract with Mr. Haskell?

It is predicated upon getting out cotton with Beverley Tucker ; but the contract itself was with Mr. Haskell. That is the only contract I have, and that is not binding now, and is not definitely a contract until signed by him. It is an agreement upon my part. Here is the agreement :

“ For and in consideration of one dollar to me in hand paid by Leonidas Haskell, the receipt of which is hereby acknowledged, and for other valuable considerations and services to be rendered, I hereby agree to pay over to the said Haskell one-tenth part of all the profits which may be made out of the proposition of Beverley Tucker to contract for 10,000

bales of cotton, in payment of which he is to receive a certain amount of pork, as well as in any additional bales of cotton, to which the proposed contract with the said Tucker may be extended, and taken out of the confederate lines under the regulations of the Treasury Department, or upon any purchase of cotton by exchanging merchandise in accordance with said provisions or regulations through said Tucker.

"I also agree to pay said Haskell fifteen hundred dollars on demand for expenses. A true and accurate account of said business shall be kept, subject to examination of said Haskell after the cotton is sold and accounts made up, which shall be done within four months; and if nothing can be accomplished within sixty days, the contract is void.

"THOMAS G. DURANT.

"October 10, 1864.

"Witness: R. W. LATHAM."

Indorsement in red ink across the face of the paper.

"This contract is predicated upon the statement that Major Haskell or his friend, Colonel Baker, has the sanction and authority of the President of the United States for carrying out the same.

"THOMAS C. DURANT.

"Witness: R. W. LATHAM."

Indorsement on envelope.

"R. W. Latham, esq., will deliver the enclosed paper to L. Haskell, upon the joint order of T. C. Durant and L. Haskell."

1055. I see something written across the face of this contract in red ink, when was that written?

It was written when the agreement was perfected. The paper was presented to me to sign, and as presented I refused to sign it. I did not like the reading of it, and had another one drawn. Mr. Latham drew it and I added that clause to it. They wanted the words "or otherwise" inserted.

1056. Were those words inserted?

No, sir.

1057. Why did they desire the words "or otherwise" inserted?

For the purpose of taking one-sixth interest in all the cotton I might have anywhere.

1059. Did a disagreement then arise between you and Haskell?

No; no disagreement. That is the contract I signed. The other contract had the words "or otherwise" in it, and that one I refused to sign.

1060. Was this matter in red ink written when the contract was perfected?

The contract was not, properly speaking, perfected. This must have been three or four months ago.

1061. Was it written on the 10th of October, 1864.

It was written before it went into the hands of any third party.

1062. Into whose hands did it go?

It was delivered to Mr. Latham.

1063. Do you say that this in red ink was put on at the time you made the agreement with Mr. Haskell?

I did not see Mr. Haskell at all. I put it on in Mr. Latham's presence, and Mr. Latham witnessed it.

1064. Who was Mr. Latham acting for?

He came from Mr. Haskell with that proposition.

1065. This paper was made and given to Mr. Haskell, was it not?

It was not given to Mr. Haskell.

1066. And this is the duplicate?

No; this is the original.

1067. Did Mr. Haskell have a copy of this, or a duplicate of it?

He had a duplicate of the one he proposed I should sign.

1068. Did he not have a duplicate of the other?

Not that I know of.

1069. Did the duplicate, or the one which Mr. Haskell had, have this indorsement in red ink?

I never saw the duplicate.

1070. Did Mr. Haskell know of this indorsement in red ink?

I do not know anything about that. I did not know that he ever had anything but the original proposition.

1071. Do you state that this indorsement in red ink was made on the same day on which the contract purports to have been executed—on the 10th of October, 1864?

I do not know that I could tell the date within a month. I know that it was not this month or last month. I signed it with the understanding that that was to be added to any new contract.

1072. Who was this understanding made with?

The party who negotiated the contract, Mr. Latham.

1073. And then you put this in red ink on?

I told Mr. Latham distinctly that this was to be added. I desired to know whether these parties had the authority they pretended to have or not. I did not propose to submit to any black mail or anything of that kind.

1074. And I understand that you wrote it on at the same time you signed the paper?

I suppose it must have been about that date; I do not recollect. I said that I must be satisfied what these parties could do. I did not propose to sign the contract in blind.

1075. In this agreement with Haskell, you stipulate to pay him fifteen hundred dollars when called upon?

Yes, but that contract was never carried out.

1076. You say that you are to pay the money to him on demand, for expenses. Was this fifteen hundred dollars ever paid to Haskell?

No.

1077. Did he ever make any claim for it?

Not that I know of.

1078. You have spoken about an attempt at black mail. What do you mean by that?

He sent a message to me that, unless certain things were done, he would bring me to terms in some way.

1079. What did you understand by that?

That he could delay the carrying out of any transaction I might have in cotton and would do so if the word "otherwise" was not inserted in the contract. A message came to me since I was summoned to appear before this committee, to know how much I would pay down—how much I would give to be relieved from going before this committee.

1080. Did Mr. Haskell make that proposition?

The proposition came to me from Mr. Haskell, as I was informed.

1081. From whom did the proposition come directly?

From Mr. Latham, the same party who had the contract.

1082. Is Mr. Latham in the city?

I understand not. He was yesterday. I met him then. I had not seen him before for three weeks.

1083. What do you suppose the object of Mr. Haskell to have been in making that proposition?

To make some money.

1084. If he wanted to make money, why did he not demand this fifteen hundred dollars of you?

Nothing had been done under it. He demanded that I should purchase for \$150,000 his interest in a claim of Frémont against the Kansas Pacific Railroad. I paid no attention to his demand, and sent no answer whatever.

1085. You stated in your testimony something in relation to a letter which you wrote to Beverley Tucker. Have you been able to get a copy of that first letter?

No; that first letter, containing the proposition, was sent by Colonel Baker, chief of military detectives—under that proposition I have submitted to you. I am now making that negotiation on my own responsibility, and hope to perfect a contract under that proposition. I am now in correspondence with Tucker.

1086. How recently have you had correspondence with him?

I commenced to write a letter to him yesterday. I have not heard from him before for two weeks.

1087. Have you kept copies of letters which have passed between you?

No; they have generally been not more than three or four lines to know if he has authority yet to contract for and deliver cotton.

1088. In what manner was the correspondence carried on?

I sent this proposition by Col. Baker.

1089. How subsequently?

Col. Baker has been sent up twice I believe.

1090. How was the correspondence carried on except through Col. Baker?

I have written by mail.

1091. And received letters by mail?

Yes.

1092. Where are those letters?

I will send to New York for them, though I presume they went into the waste basket. They never amounted to anything. I did not consider them of enough importance to keep them.

1093. How many letters did you get from him?

I do not know. As a general thing they have not been signed by anybody nor addressed to anybody.

1094. What was the object of that? How came they in your possession if they were not addressed to anybody?

I mean on the face of the letter. There has been nothing concealed on my part. Everything that I have done has been with the knowledge of the War Department. And I propose to continue this correspondence, and to complete this contract unless it is decided by some authority that it is disloyal or improper to do so.

1095. In your testimony of yesterday you spoke of a proposed contract with Tucker to get out cotton, and to send back articles not contraband of war; will you state more fully in reference to that contract?

I had a contract drawn up, but it has never been carried out. If the agreement could have been carried out, that with some modifications would have been the form—all of which would have been submitted to the War Department for its approval before being executed. The draught of a contract to which I refer I now hand to the committee.

"This agreement, made this _____ day of _____, 1865, between _____, now of the city of _____, party of the first part, and _____ Thomas, _____, of the _____, of the second part, witnesseth: That for and in consideration of one dollar in hand paid to said party of the first part, by said party of the second part, the receipt whereof is hereby acknowledged, and for the further consideration hereinafter named, the said party of the first part agrees to sell, and does by these presents bargain and sell, unto the said party of the second part, ten thousand bales of cotton, now located and stored at the several points outside the federal lines in the States of Georgia, Florida, and Alabama, and which said cotton said party of the first part agrees to deliver as follows: Five thousand bales to be delivered at Pensacola or Fernandina, Florida, and five thousand bales at Beaufort, South Carolina, or a point to be agreed upon near those places, or in the vicinity thereof, to be delivered on or before the first day of April, 1865; said party of the second part agrees to purchase and receive the said cotton under and subject to the regulations of the Treasury Department.

"For the payment of said cotton, the said party of the second part is to deliver to the said party of the first part, at the above-named places, with proper and safe conduct through the federal military lines, merchandise and provisions not contraband of war, as by regulations of the constituted authorities and the Treasury Department, of such kind and at such prices as may be agreed upon from time to time by the parties hereto; it being understood at this time, that the said party of the first part names, on pork and bacon, averaging, as near as may be, the 'hog round,' or prime mess pork, in good condition, in barrels or hogsheads, the rate of exchange to be a pound of meat for a pound of cotton—the cotton to average good middling."

I also lay before the committee a copy of a letter to General Dix, to which I referred yesterday:

"NEW YORK, December 5, 1864.

"DEAR SIR: The enclosed propositions having been made me by parties who claim to be acting with the knowledge and consent of the President of the United States, to one of which I have assented, the original paper being in the hands of Mr. Latham, it has occurred to me since my conversation with you a few days since relative to Colonel Baker, who, I understand, expects to be made a brigadier general, that perhaps he may not have the authority and sanction of the President, or of the department, to conduct Mr. Tucker to Richmond, as is represented; I have not seen it, and have not urged his showing it to me for the reason that it might have been given for some purpose connected with State affairs, which it was not proper for a private citizen to know, and that the cotton speculation was only a secondary consideration; and I could hardly credit a man in his position would represent, or allow his friends to, a matter of this kind. A question you asked relative to the man, calls my attention to the fact that I have no positive proof that he has the sanction of the government, and I communicate the facts to you, thinking that if the representations are correct it can do no harm, whereas if they are not, the parties should be exposed, or placed where they cannot misrepresent or betray the government they serve.

"Very respectfully, yours,

"T. C. DURANT.

"Major General JOHN A. DIX,

"Commanding Department of the East, New York."

1096. I see that in this contract with Mr. Haskell, a certain amount of pork was to be sent in, in return.

No, the contract does not specify that pork was to be taken in; the reference is to a proposition of Beverley Tucker to take in pork—a proposition that no one proposes to execute. What we proposed was to take articles not contraband of war.

1097. Was not the contract with Mr. Haskell founded upon that proposition?
It was founded upon anything that might grow out of that proposition.

1098. Was not the taking in of pork contemplated under that contract?

No, sir.

1099. Then why was it put in?

They put it in to designate the proposition of Tucker.

1100. Where is this proposition of Tucker's?

It was only verbal; claimed by twenty parties.

1101. How did the particular proposition come to you?

I think at least twenty parties asked me about it; Haskell and others asked me if anything could be done; I invariably replied that I would advance the money if they could get the authority of the government to do it. They professed to have the authority of the government or the influence to procure the same, but they went on about sixty days before they were ready to do anything.

1102. This delay, then, was for the purpose of getting the transaction authorized here?

I suppose so; they were telegraphed and written to, I know, about it. As soon as anything was likely to be done, in any shape or manner, I wrote to the War Department, as that letter to General Dix will show. I presume you will find a copy of it through the War Department.

1103. This letter to General Dix implies a conversation with him before writing it; on what subject was that conversation?

I asked him if he knew Colonel Baker; he said, "Not much." I asked him if he was a reliable man; he said he did not know. I met him subsequently, and asked him whether, if Colonel Baker assured me he had certain authority from the President of the United States, I could place implicit confidence in his statements without proof; he said he thought I had better have the proof, although he presumed a man in his position would not profess to have authority he did not possess.

1104. Do you know whether Colonel Baker had any authority from the War Department?

I only had his word for it.

1105. Did he show the authority?

No; that is the reason why I wrote the letter to General Dix. He promised to show me his authority, although I never asked him for it.

1106. Do I understand you, that you were making this negotiation, which involved a contract with a rebel agent in Canada, upon the say so of a party that he was in possession of authority so to do?

According to my understanding of the law and regulations of the treasury and military departments, I had the right to enter into negotiation with any rebel to purchase cotton, no matter where he was. I understand that I have that right now, and until it is questioned I expect to act upon it.

1107. Then you place it upon grounds entirely independent of Colonel Baker?

So far as taking articles into the rebel territory was concerned, I should not do it, of course, without the proper military authority, but I was informed at the department that they were desirous to facilitate getting out cotton, and that they should not inquire whether it was bought of rebels or not. They did not expect to get cotton to any great extent except from inside the rebel lines, and it made no difference how great a rebel the man was from whom it was obtained.

1108. Was the sanction of the civil or military authorities of the United States given, directly or indirectly, to this contemplated transaction with Beverley Tucker?

I did not think it was necessary to ask the military authorities to sanction a contract made under the laws, and specifying that it was under the laws and subject to military regulations. Baker, however, as I have said, told me he had the authority of the President. As he was an officer of the government I did not think it right to demand to see his papers.

1109. In this letter you wrote to General Dix, you say, "a question you ask relative to the man calls my attention to the fact that I have no positive proof that he has the sanction of the government;" what question was that?

He asked me if I knew anything of his antecedents.

1110. Did you understand that to imply doubt in reference to him?

He did not express any doubt.

By Mr. Eliot:

1111. Was the question you asked General Dix in reference to the character and responsibility of Colonel Baker subsequent to his asking you about his antecedents?

I met him and asked him whether if Colonel Baker made representations to me that he had authority from the government I could rely implicitly upon his assertions. He then

asked me if I knew anything about the man's precedents. He asked me how long I had been acquainted with him. I told him I had never seen him until he came there with that proposition. He asked me if any of my friends knew him. I told him I had never heard of him except as I had seen his name in the papers. I left the matter until I had the assurance that Colonel Baker was bringing the thing to a focus.

1112. When "the thing got to a focus" what was done?

Nothing.

1113. You speak in this letter to General Dix about conducting Tucker to Richmond, what is meant by that?

I enclosed with the letter this same proposition that came from Haskell to the War Department.

By Mr. Washburne :

1114. Did these propositions and arrangements include taking Beverley Tucker through to Richmond?

They represented to me that Tucker could get to Richmond if he could procure a permit to take some cotton through. They wanted a permit to get him through. I said "very well, get your permit and I will talk with him."

1115. Who made the application for a permit?

Baker claims he had a permit.

1116. Did he have it?

He says he has it, that is all I know. He is an officer of the United States government, and I could not question his authority. As soon as there was any likelihood of accomplishing anything he proposed to bring him to New York. I suppose that Baker is under the impression now that Tucker will come with him to New York. I do not believe now he had any authority from the President at all.

1117. In what position or capacity did you suppose Baker was acting?

I suppose he was acting from a desire to make money.

1118. Did it occur to you that he might be acting as a detective to see how far this thing could be carried on?

I think his object was to make money, but it didn't make any difference to me in which capacity he was acting.

By Mr. Eliot :

1119. Have you received any reply from General Dix?

No; I sent the papers to him, and I think he sent them to Washington.

1120. You refer in your letter to a conversation you had recently. In that conversation, did you state the substance of the proposition you had from Tucker?

No; I never stated the substance of that proposition.

1121. Did he know, before he received this letter, in reference to any proposition of that sort?

No, I think not; I think I asked him whether, if a person had a permit from the War Department and the President, there would be any trouble as far as the State Department was concerned. He said he thought the War Department had control of that matter. I did not name Tucker to him. I did name Colonel Baker.

1122. Was that before this letter was written?

Yes; I have never exchanged a word with him upon this subject since the letter was written. You will find in the subsequent part of that letter that I ask General Dix if he thinks I can place implicit confidence in Colonel Baker.

1123. How many times did you see General Dix before you wrote this letter?

Only twice.

By Mr. Washburne:

1124. You state that this paper which you hand to the committee is a rough draft of the contract that would have been entered into provided this thing had been carried out?

That clause written across in red ink is in all my contracts before I agree to them. I state explicitly that it is to be in accordance with the regulations of the constituted authorities, civil or military. Whatever articles of merchandise were to be exchanged for cotton were, of course, to be in accordance with those regulations—in case the War Department should allow pork to be taken then the price was to be pound for pound for cotton. That is all this contract amounts to so far as that is concerned.

1125. Was that understanding put in writing?

This draft which the committee has is all which has been put in writing.

1126. With whom was the contract to have been made?

With Beverley Tucker, provided there was no objection on the part of the constituted authorities here.

1127. What merchandise did you contemplate carrying in not contraband of war?

The regulations of the Treasury and War Departments do not define what shall be considered as contraband of war, that is left to the general in command; so they informed me at the department. I applied for a list of contraband articles but they could not give me such a list, because the circumstances in particular localities would vary the list to some extent.

1128. Had you any doubt that pork was contraband?

I do not know; they let in pork in some places, in others they do not. The government plantations are allowed to have it. This contract or proposition, however, did not contemplate taking in any pork, it merely provides, referring to Tucker's proposition, that if pork was allowed to go through it should be exchanged pound for pound.

By Mr. Washburne:

1129. You are speaking then of contracts you are entering into now?

That is a contract I am negotiating for now.

1130. Have you ever asked the permission of the War Department to enter into this contract?

I have the permission of the Treasury Department.

1131. Permission to enter into this contract with Tucker?

Their reply was that it made no difference whether the man was loyal or a rebel, that their object was to facilitate the getting out cotton.

1132. What officer in the Treasury Department told you that?

Mr. Risley. He said at the same time that it was carrying out the law of Congress.

1133. Did you state to anybody in the Treasury Department that you expected to make this contract with Beverley Tucker?

I do not recollect that I did.

By Mr. Eliot:

1134. Have you any reason to think that they knew it then?

They must have known it, as application was made for permission to get him through the lines to see if he could not get out cotton.

1135. Who applied for permission for Tucker to go through the lines?

I do not know. I heard here that different parties had.

1136. What parties are concerned in any way in this arrangement with Beverley Tucker?

None, so far as I am concerned, at present with me. Many parties have spoken to me about it. Parties have been brought to me, who have proposed that I should go into the transaction.

1137. Has any body talked with you here about what has been going on between you and Beverley Tucker?

I do not know. If any body had, I should have told them. Nobody was concerned in the transaction I have mentioned, but the parties I have named. The proposition came to me in the first place. I suppose they found in some way that I had permits to bring out cotton, and they proposed that I should make contracts interesting them in transactions through Beverley Tucker.

1138. Do you remember who first talked with you about them?

The first party, I think, was Mr. Haskell or his messenger. It has been talked of for a long time. The question has been asked, if Beverley Tucker can go to Richmond and get a permit to get out his cotton, will you advance money to buy it. My reply has been at once, yes, if you have the authority of the Secretary of War. The proposition then came in the shape of the question, how Tucker was to get there. I asked that question, and asked the party if he had seen Tucker. I was informed that that was a matter which did not concern me. That they had papers already from Washington. In these conversations Latham was the messenger of Haskell, Baker and others.

1139. Then in this whole arrangement, it was necessary for the purpose of carrying it out that Tucker should be taken through the rebel lines?

The proposition was to take him through by authority of the Secretary of War, and just as soon as there was any probability of carrying this arrangement into execution, I wrote this letter explaining the whole transaction.

1140. The proposition at any rate was, that being there, some way or other he was to make the arrangement within the rebel lines?

If he brought out cotton in any way we were to receive it in accordance with the regulations of the treasury, under the act of Congress. The contract, as it stands, is not a contract that is pending. If anything grows out of it, then a contract is to be made.

By Mr. Washburne:

1141. This agreement made with Mr. Haskell speaks of ten thousand bales of cotton. Did not it also contemplate or refer to an indefinite amount?

Tucker had no permit as it transpired, except to take out ten thousand bales.

1142. Does not this arrangement with Mr. Haskell contemplate taking out cotton indefinitely, over and above the ten thousand bales?

Certainly, all we could get.

1143. Can you procure and furnish to the committee copies of your letters to Tucker?

I cannot. They amounted to nothing. I do not think they are in existence. They were merely questions, "have you got authority," "will you include merchandise," relative to this transaction. Tucker was coming to New York to make the arrangement. I refused to go to Canada to make it.

1144. Then I understand you have communicated with Tucker several times by letters—some sent by Baker, others by mail. How were those sent by mail addressed, and by what name?

Some of them were addressed to Beverley Tucker, and some of them were enclosed to the hotel.

1145. What hotel?

I think the St. Lawrence hotel

1146. With any direction to Tucker on the outside?

I am not sure that they were. They were directed to the St. Lawrence hotel, Montreal, if there is such a hotel there. I frequently wrote letters, but very seldom addressed them myself. I sent them down to the office for the young man to address them.

1147. What directions were given to the young man?

Some of them, I think, were addressed to the care of or under cover to some man.

1148. Did you address any directly to him through the mail?

I think not. I have no acquaintance with him—have seen him but once. I never entered into any other correspondence with him. I would merely write asking the question, "have you authority," or something like that.

1149. Did you ever get a letter from him signed in his own name?

No. I think I have had them signed B, or B. T. I do not recollect whether I did or not. If he could deliver the cotton at any point where we could get it, we would take ten or thirty thousand bales.

By Mr. Eliot :

1150. Did you ever send an agent to communicate with him in person in Canada?

I have sent by Baker.

1151. By any other person?

I have sent by parties going to Canada, to know if he was ready.

1152. The question is, whether any person representing you, as agent, has gone from New York, or anywhere else, to see Mr. Tucker?

I think when Mr. G. F. Train was going out to Chicago once, I asked him to see if Tucker would do something. He came back and said Tucker would not entertain any proposition to let the Yankees have cotton at all under our propositions.

1153. That was the first application you made to Tucker?

Yes. Afterwards some one said that Tucker had a permit for ten thousand bales, and asked me if I did not want an interest in it. I sent to inquire about that.

1154. How long was that before the date of these communications?

It may have been six months since ; it must have been four or five months since I first saw some man from New Jersey, who came into my office—whose name I do not recollect—and stated that some permit had been obtained by Mr. Tucker for getting out cotton if the permission of our government could be obtained

1155. That was some months before the transactions you have spoken of in which you are interested.

Yes ; I think I asked him in reference to operations I had heard were going on in the south very extensively. I did not believe they would let the cotton come out, and I requested Train, if he saw Tucker in Canada, to ask him if that was the case. When he came back he told me that they ridiculed the idea, and did not believe it at all.

1156. Was there any other person besides these?

I have sent messages two or three times.

1157. Have you sent agents?

I have not sent agents. I have merely asked persons to go and see if they had heard anything. I sent a young man from my office, who has friends he visits in the northern part of the State, and told him to ask if it was true that parties had permits and were getting out 100,000 bales on the river. He said he didn't believe it.

1158. What compensation have you paid or promised to pay to any of these agents?

None ; not a dollar. The only proposition that has been made is in that sent to General Dix or the department of the east, embracing that \$1,500 to Mr. Haskell.

1159. Do you recollect the names of any parties who have gone from New York to treat with Beverley Tucker on this subject?

I named a young man from my office, my clerk.

1160. What is his name?

McCarty. I do not know his first name.

1161. Is he with you now?

Yes.

1162. How long has he been with you?

I think he came last March or April.

1163. Did he bring back written propositions of any kind from Tucker?

He brought back what this memorandum was made from. I said I wished to know if anything could be done what arrangements Tucker proposed.

1164. How many times did McCarty go to see Tucker?

I do not know.

1165. More than once?

He may have gone twice. I am not sure. It has been a matter I paid very little attention to. Whenever a new proposition came up, I would attend to it.

1166. Have you, in your office, the original paper which he brought from Tucker, from which this contract was blocked?

I sent it back because it did not specify the regulations of our authorities of the Treasury Department, and there were mistakes made in drawing it up. "The party in the first part" was written where "the party in the second part" should have been; and things were generally mixed up.

1167. Did you keep a copy of it?

No; the contract was sent back. The copy would have been signed if it had been properly drawn up.

By Mr. Washburne:

1168. Is there any person or persons interested in this matter with you directly or indirectly?

No.

1169. Did the Mr. Train, of whom you have spoken as going to see Tucker, know of the contemplated transaction between you?

He did not know anything about it.

1170. Did you explain to him about it?

Oh, no; I only told him what I had heard, and he said Tucker didn't believe anything about it.

1171. Did not you tell Train pretty much all you knew about it?

I did not know anything about it at the time. I was merely seeking information.

1172. Did Train make any inquiries of you in regard to what was proposed to be done?

No; Train said that Tucker made the remark that, if he could go to Richmond, perhaps he could get as good permits as anybody else could. I think Train applied at the War Department for a permit, and that he came back and said he could not get one. I asked what they thought of it at the War Department. He said they seemed to know of permits floating about as we had heard. Train did not know anything about my arrangements with Tucker. He did not ask me in reference to my own transactions; if he had I should have told him.

By Mr. Eliot:

1173. Have you made contracts with parties depending upon the success of your arrangements with Tucker?

No other at all. This contract, notice of which I sent to the department, is the only contract I have made with anybody.

1174. You have made no personal contract?

No personal contract, either verbal or otherwise.

1175. Have you had conversations with parties for the purpose of providing funds or procuring money in any way?

I proposed to advance the funds myself. The thing is in embryo yet. I have no permit to take out the cotton even.

1176. Is there any fact within your recollection about which we have not asked you, that would throw light on the subject of our inquiry?

Here is the proposition that Latham brought me, purporting to have come from Baker, which I rejected, a copy of which I sent to General Dix—a proposition to take Tucker through the lines for a certain sum of money. It was brought by Latham, the same party who brought the communications from Haskell:

"It is proposed that Colonel L. C. Baker shall personally go to Canada, and R. W. Latham, or T. C. Durant, shall accompany him, and shall accompany B. T. from Canada to New York, and from New York to Virginia, safely beyond the military lines of the United States.

And, also, that Protoes shall go immediately through the lines to Richmond and back, and shall make trips backwards and forwards as he may be required. In consideration of which Durant shall give one sixth interest in the profits of the whole transaction, and an agreement to that effect shall be made, and, also, shall pay the sum of five thousand dollars when he has conclusive evidence that P. is safely through the lines; and out of the one-sixth profits, or prospective profits, whether they shall be realized or not, \$5,000 more shall be paid on the 20th day of December next, and the said Protoes shall have \$200 per month and his expenses paid for ten months, one month in advance, and \$200 expenses advanced. All the agreements to be made with L. Haskell."

Accompanying that I will also exhibit to the committee a letter from Mr. Latham, which I requested him to write. He had been making propositions to me verbally, and I said to him, "I want you to put them in writing, so that I may have the authority of some one to depend on."

NEW YORK, *December 6, 1864.*

DEAR SIR: I visited Washington some weeks since for the purpose of ascertaining whether a permit could be obtained from the President for Mr. Tucker to go to Richmond.

Before it was decided whether such a pass could be obtained or not, I met a gentleman interested in cotton orders, who informed me that he could, through certain officers of the government, have Tucker taken to Richmond with perfect safety and secrecy.

I informed you what the gentleman had stated to me, and you refused positively to have anything whatever to do with sending any one to Richmond, unless by special permit from the President, nor would you have any transaction or business with any party connected with the south without the sanction and authority of the government.

I mentioned this subject to you the second time, and you repudiated the gentleman's proposition, and repeated what you had before stated.

I then saw Colonel Baker, provost marshal of the War Department, in person, and he stated to me that he could get the necessary authority to take Tucker to Richmond, and that if the friends interested in cotton (a number of whom I called his attention to) desired it, he would do so. Colonel Baker then had an interview with you, left for Washington and returned with authority from the President and the War Department, as he informed me to conduct Tucker to a point where he could go to Richmond. Colonel Baker also stated to me that he had mentioned to the President that he intended taking some interest in cotton operations, and the President acquiesced, making no objection.

On Colonel Baker's return from Canada, the first trip, he informed me he did not see Tucker; the second trip he met him at Montreal, and laid before Tucker the President's authority to conduct him through our lines. Tucker stated to Colonel Baker that he had confidence in him, and would go anywhere with him, but that he had not made a satisfactory arrangement with you, and that he could not do so unless you would go to Canada.

Colonel Baker then left Tucker with the understanding that he would send one of his assistants next day at ten o'clock, to conduct him to New York, where he might stay twenty-four hours before leaving for Richmond. Owing to some mistake or misunderstanding the assistant did not call on Tucker at the appointed time, and when Colonel Baker got to Washington he telegraphed his assistant to return immediately to Washington with the papers, which he did, and that they are now in the War Department.

Colonel Baker requested me to say to you that he would be in New York in a few days—would call on you and give you a history of his trip to Montreal.

Your friend,

R. W. LATHAM.

Dr. T. C. DURANT.

P. S. I omitted to state that Colonel Baker requested me, while at the Astor House, to state to you that any arrangement you might make with Major S. Haskell for an interest in cotton operations would be satisfactory to him, and that you might implicitly rely upon his statements to you.

R. W. L.

The only other paper I have here is a statement of the goods sent in two schooners to Fernandina, which the committee asked for yesterday.

Schooner Julius Webb, 300 barrels mackerel, Nos. 1 and 2; 150 sacks salt. On the Julius Webb are stores for yacht Idler, viz: 3 barrels flour; 4 half barrels beef; 1 barrel hams and bacon; 1 firkin butter; 5 cases bourbon; potatoes and onions.

Schooner John Lenthal, 600 barrels mackerel, Nos. 1 and 2; 150 sacks salt; 47 barrels flour.

E. W. BARKER called, sworn, and examined.

By Mr. Washburne:

1177. State your residence and business.

I reside in Baltimore, am a clerk in the Baltimore and Ohio railroad office.

1178. Have you been in any way connected with a contract on the part of Mr. Conalty and Mr. Brummell with the Treasury Department for getting out cotton?

Yes, sir?

1179. What was your connexion with it?

Mr. Conatty and Mr. Brummell had this certificate with the Treasury Department. Mr. Conatty is a friend of mine; he informed me that he was going to New Orleans and he wished some one to look after his interest in this contract. He desired me to act as his attorney. That is the connexion I had with him; I had no connexion with him whatever in getting the certificate. My connexion with it commenced after the certificate was obtained.

1180. What was that connexion; had you any interest?

I had an interest in Mr. Conatty's part of the contract.

1181. What was that interest?

I was to have one-third of his interest.

1182. What was the consideration for which he was to give you one-third of his interest?

The consideration was to act as his agent

1183. What was the trade which was supposed to be carried on?

I must confess that I am not very familiar with the subject; all I know about it is what is contained in that instrument or paper.

1184. Have you taken any steps to carry out this certificate or contract?

There has only one paper been signed by me under the power of attorney he gave me.

1185. Who was it signed by?

I really do not remember the man's name.

1186. Was his name Ringe?

I do not think it was.

1187. Do you know a man by the name of Ringe?

No, sir.

1188. Do you know that it was not a man by the name of Ringe who signed this paper with you?

I do not think it was. I do not remember distinctly the name.

1189. Where did this man live?

It was represented that he lived in the valley of Virginia, near Winchester.

1190. Can you tell what the nature of your contract with this man was?

He was empowered as an agent to bring out cotton in behalf of Mr. Brummell and Mr. Conatty. I think that was the substance of it.

1191. What were the terms or conditions annexed to this contract?

If I do not mistake it was 10 per cent. that he was to allow on the profits.

1192. How did this man get to you?

He was brought to me by Mr. Brummell, one of the parties under this contract.

1193. And Mr. Brummell signed for himself and you for Mr. Conatty?

Yes, sir. I was not aware then that Mr. Conatty had not left for New Orleans or I would not have signed the paper at all, but having agreed to act as his attorney I could not do otherwise than to sign the paper for him.

1194. Did you hear Brummell say anything about Ringe, if that was his name?

Nothing particularly, only that it would be for the interest of the concern to make this interest with him.

1195. Do you know whether any person or persons were interested in this certificate of Conatty and Brummell except themselves and yourselves?

Not that I am aware of. I do not know of any others interested in it except these three.

1196. Do you know anything about this matter except what you have stated?

I do not know anything further; in fact, I did not examine deeply into the matter at all. I don't know anything more about it.

By Mr. Perry:

1197. What part of the business was you to transact for Mr. Conatty?

Just to sign with his power of attorney.

1198. Did he instruct you to purchase goods of any kind?

Nothing of the kind whatever. I was just to sign his name in his business.

1199. What would he have to sign his name to?

His business in connexion with his trade.

JOHN H. MORSE called, sworn, and examined.

By Mr. Washburne:

1200. Where do you reside?

In Missouri.

1201. What has been your business for the last year?

I have been speculating.

1202. Have you had any trade in cotton with the rebel States?

Yes, sir.

1203. In what locality?

Down the Mississippi river.

1204. Have you had permits?

Yes, sir.

1205. From the Treasury Department or the military authorities?

From the Treasury Department, approved by the military authorities.

1206. To what extent have you carried on your trade?

I could not tell exactly, between two and three thousand bales of cotton.

1207. What did you pay for it in?

Greenbacks, and sometimes supplies.

1208. What kind of supplies?

Whatever was permitted to go through.

1209. What proportion was permitted?

Not a great deal, that matter has been under the control of the military altogether.

1210. In what part of the Mississippi valley was the trade carried on?

From Memphis to the mouth of the St. Francis.

1211. How recently?

It has continued until quite lately.

1212. Where did it come to?

Memphis, and 142 bales were shipped to Philadelphia on the 19th of January.

1213. What has been the value of this cotton altogether which you have taken out?

I do not know, perhaps a million dollars.

1214. How much have you made?

I do not know; very little, I think.

1215. Why very little?

There is so much stealing going on it is pretty hard to make anything.

1216. Where is there stealing going on?

Everywhere.

1217. In what way?

I have lost a great deal, in the first place, by military orders, in not allowing me to bring out what they have permitted me to buy. I have been obliged to keep it while the price has fallen on my hands. I have lost largely by military orders; then I have been swindled in New York by commission merchants. I may possibly have made fifty or one hundred thousand dollars, though you might say all I have is in the confederacy.

1218. In cotton?

Yes.

1219. Did you have permits from special supervising agents under the law of July 2?

Most of my permits were under previous regulations.

By Mr. Eliot:

1220. How much cotton did your permits cover?

I have permits for six or seven thousand bales of cotton, but I really had no right under them to take more than 3,000 bales.

1221. Have you any permits under the law of July, '64?

Yes, I have some in my pocket now.

1222. What amount of cotton has been brought out under these last permits?

I left Memphis on the 24th of December, and I think my boat has brought out nearly 600 bales; I cannot tell precisely.

1223. In whose names were the permits given?

I have some in my own name and some in that of my partner, Mr. Murphy. The permits were issued by Mr. Ellery, upon application and statement that we had control of the cotton by contract.

1224. In what way has the cotton been paid for, that which has been procured under these last permits?

Mostly in United States notes. I only know from a letter I have just received, which says the boat took down \$16,000 worth of goods.

1225. What kind of goods?

Supplies such as were permitted by General Dana, and approved by him, that is, I know they could not go without his approval.

By Mr. Perry:

1226. Have you ever paid anything to officers of the army for getting cotton out?

You now ask me a pretty tight question. It is a pretty hard thing for a man under the military authorities down there to tell what he knows. A man has no right to tell any-

thing without the permission of the military authorities. Under the published order of General Dana, he says, if I tell anything here without his permission he will put me in the Irving Block prison for punishment. The order is express that a man giving information in Washington without his permission will be subject to punishment. If I were to tell everything I know I could not keep my property; the officers in command down there do not regard the laws of Congress, the regulations of the Treasury, nor the orders of the President; they do what they please.

EDWARD L. TAYLOR called, sworn, and examined.

By Mr. Elliot:

1227. Where do you reside?

Columbus, Ohio.

1228. What has been your business for the last few years?

I am a lawyer by profession; my business, for the last year and a half, has been the handling and raising of cotton.

1229. What knowledge have you of the trade with the rebellious States, in cotton and other products?

I have been for something like a year and a half in the south. The first few months I was there, I was in business buying cotton and exporting it; for the last year, I have been engaged in raising cotton. During this time I have acquired a general knowledge of the trade with the rebellious States along the Mississippi river. The first purchase I made, and in fact all the purchases I made, were made in January, 1864, at Pine Bluff, Arkansas, or in that vicinity, along the Arkansas river. Pine Bluff is my headquarters.

1230. Under what authority did you act, and what quantities did you procure?

I acted under the authority of Mr. Millan; my permits were under regulations then existing for trade in those States.

1231. What amounts of cotton did your permits cover?

The permits covered about 2,000 bales; I had various permits, taken out at different times. Permits expired in thirty days, and had to be renewed.

1232. Where were those permits procured—at Cincinnati?

The first permit was procured at Cincinnati; they were renewed afterwards at Little Rock, Arkansas. All shipping permits were ultimately taken out at Pine Bluff.

1233. How was the cotton purchased?

Directly from the owners.

1234. How was it paid for?

In greenbacks; I never handled any supplies for cotton; I paid for all the cotton that I ever bought in United States currency.

1235. What transactions have you had in cotton, if any, since the passage of the law of July, 1864?

I have had no transactions except shipping cotton we had grown upon a plantation rented from the government. We worked pretty largely; something like 4,000 acres. It does not come under the regulation of July, 1864, but under the regulations for plantations; so I have had little handling to do under the regulation of July, 1864. I have not bought a bale since I left Pine Bluff.

1236. How large a tract of land did you lease under the treasury?

We leased nearly 4,000 acres.

1237. What parties were concerned with you, if any?

Mr. Ayres, my partner, under the firm of Ayres, Taylor & Co. Mr. Ayres is from my own place, Columbus, Ohio.

1238. You said, excepting cotton you sent from leased lands, you had no transactions in cotton since July, 1864?

None whatever.

1239. Have you any knowledge of any permits granted since that time?

I have knowledge of the fact that they have been granted, and that trade has been carried on by virtue of permits since that time.

1240. State that fully.

It is simply this. Mr. Ellery, treasury agent, the government purchasing agent at Memphis, issued trade permits to those who applied, whether to all or not I do not know, but almost every one who applied under trade regulations. Permits have been procured and cotton brought out under those permits since that time.

1241. To what extent has cotton been brought out?

I cannot say how many bales have been purchased by Mr. Ellery at Memphis. I heard about 30,000 bales. I do not think so much. My impression is that nothing like that amount has been purchased.

1242. Have your occupation and residence enabled you to form a judgment as to the character and amount of supplies which have gone into the rebel lines in payment for cotton?

Nothing definite. I know only the fact that supplies have gone into the rebel lines in exchange for cotton. I know that General Canby issued a strict order restricting articles to be given in exchange for cotton, but whether or not evaded I do not know.

1243. What has been the character of those supplies, so far as you have been able to judge?

They have consisted largely in dry goods, some whiskey, some in rope, and baggage and things of that kind. I never handled any supplies, but I know that those are the things usually given in exchange for cotton.

1244. Have these supplies or not been largely carried into the rebel lines?

Yes, sir; I believe they have.

1245. Can you form an estimate how much?

I cannot. There is great difficulty about it. It is, of course, done secretly, so far as the parties are concerned. They load them in a boat, and no one knows but those who give the permit and those who have the power to overhaul them.

1246. State how those permits are procured.

I cannot, except on application. I know of no other means of procuring them.

1247. So far as you know has there been difficulty in procuring them?

I apprehend not. I have never heard of any difficulty in procuring them.

1248. Have they, to your knowledge, in any way received the approbation of the President?

To my knowledge they have not. I know merely the fact that the President has indorsed permits, whether by his own hand or not I am not sure, but my impression is by his own hand—permits for supplies. Helena is the headquarters. General N. B. Buford commands the district of eastern Arkansas. I have understood from him that these permits have been under the sanction of the President—some of them, but I do not know to what extent.

1249. You spoke of permits procured from Mr. Ellery since July, 1864. Have you seen any of them?

Yes, sir; I have.

1250. Have you seen any indorsed by the President?

No, sir. I think the permits indorsed by the President were those procured here, but I have no positive knowledge that they were indorsed. I have only the hearsay of those I conversed with.

1251. So far as you can judge, permits have been acted on which were obtained from Mr. Ellery?

Yes, sir; the purchasing agent for the government.

1252. The cotton procured under them were with the indorsement of the President or without it?

I saw one of the first permits Mr. Ellery issued. I examined it, for I wanted to know how trade was to be conducted. Among the first permits he issued was one to Mr. Nichols, of Kentucky. He was a gentleman I had met before, and he applied to me for the purpose of procuring assistance and co-operation in the business. He paid his respects to me at my office at Helena. I declined to have anything to do with it, but examined his permit. Since that I have seen permits, but have not examined them as critically as I did then to inform myself on the subject.

1253. What, from your means of observation, has been the effect of furnishing supplies within the rebel lines in payment for cotton; what effect has it had upon our cause?

In my opinion it has been very injurious.

1254. Why?

Simply this: I understand the first object of the war to be to put down the rebellion, and the first result of a trade of that kind is to strengthen the rebellion.

1255. Can you state any way by which trade can be carried on with the rebellious States, procuring their products and furnishing for them supplies of any kind, that would not be be hurtful?

No, sir, I cannot, and for this reason: The moment you give men engaged in that business any latitude whatever in furnishing supplies, they will violate their oath towards the government almost certainly. They do it because they are allowed to do it by the agents appointed by the government. That is a fair statement of the facts as I understand them. My impression is that excluding supplies and establishing a trade, by which we shall pay money for cotton, will bring cotton into our lines.

1256. Have you made application for permits at Washington?

I have not.

1257. Do you know parties who have obtained them?

I do not. I made no application myself for permits for trade.

1258. What amount of cotton did you raise?

Between five and six hundred bales. We had a bad year, but we did very well for the year.

1259. State what you know in regard to trade stores established under the old regulations. The method of procuring those permits have changed, but the general method was then as now, to apply to the local treasury agent at the post, wherever it may be—at Little Rock, Helena, or Vicksburg—to procure the permission of the commanding general, and then apply to Mr. Mellen, the treasury agent at Memphis, for permission to establish these stores. The treasury agent at Little Rock was afterwards allowed, on his own discretion, to grant these permits for a certain amount of supplies a month. So at other points.

1260. What were these trade stores established for, and how were they operated?

For the purpose of supplying the demands for goods in the southern States. On the part of the government they were allowed for that purpose, and on the part of those who established them they were for the purpose of making money. The trade store system, though I have never had anything to do with, I do not understand to be hurtful, if the commander is a judicious and honest man.

1261. What if he is not? It could be made injurious to our cause.

1262. Have you any knowledge as to the number of stores in the country known to you?

They were limited to a certain number, but they have been increased at certain times, and on the expiration of some of them they have not been renewed, so that the number has not remained the same at all times. I think there are some thirty or forty at Helena.

1263. From whom are permits obtained?

From the treasury agents. First from Loyal Case, then from his successor, Mr. Calicot, now treasury agent at Memphis. Mr. Heaton for a short time was sent there to fill a vacancy. He belonged to Mr. Mellen's office. He was succeeded by Mr. McDowell, a brother of General McDowell.

1264. Were these permits sanctioned by the commanding general of the post?

General Buford assumed command of the whole thing. I think Mr. Mellen had very little to do with it. General Buford had the control of the whole thing, so that the treasury agents had very little to do with it.

WEDNESDAY, *February 11, 1865.*

Present :

Senator.

Mr. MORGAN.

Representatives.

Mr. WASHBURNE,

ELIOT,

PERRY,

LONGYEAR.

JOHN H. MORSE appeared, and examination continued.

By Mr. Perry :

1265. To what officers, if any, have you or your agents paid money to aid you in procuring cotton?

I never paid to any, and I do not think that any one of my agents ever did that. If you ask me what I believe, that is another thing.

1266. Has any man who is now, or has been, in the military service, had any interest in any way, either in passing goods through the lines or in receiving cotton through the lines with you, or to your knowledge? No, sir.

1267. Do you know of any such cases?

I only know what propositions have been made to me.

1268. What propositions have been made to you?

Propositions were made to me last spring to raise \$250,000 for certain expeditions to go up the Yazoo river.

1269. Who made these propositions?

They were made by a citizen, but he said it was in the interest of the military that they were made; that if \$250,000 was raised for the expeditions, the military would go up Yazoo river and impress the cotton, paying the planters for it \$50 a bale or nothing. The cotton was to be divided on its arrival at Vicksburg.

1270. What officers were referred to? The officers in command at Vicksburg.

1271. Who was the officer in command at Vicksburg at that time?

I think General Slocum, or it may have been General McPherson. I could not tell you now. The provost marshal's name, I think, was Waddell. I am not certain; I was at Memphis at the time.

1272. You stated, yesterday, that you had brought through the lines and sent to market between two and three thousand bales of cotton; have the military assisted you in that matter?

No, sir, they have rather hindered me.

1273. Have you the means of making an accurate statement as to how many goods were furnished in payment of that cotton, and how large a sum in greenbacks?

No, not with me. I think I could tell by referring to my books. No goods were ever sent, however, except when permitted by the treasury or military authorities. They amounted to a very small per cent. of the cost of the cotton. I think not more than \$50,000 worth all told. I paid at one place between three and four hundred thousand dollars for cotton last year, and I do not think at that time more than thirty or forty thousand dollars worth of goods were furnished.

1274. Have you an agent, connected with the confederate government, for getting out cotton?

No, sir.

By Mr. Eliot:

1275. State, if you please, what inducements, if any, have been required of you, as a means of obtaining military aid in getting out cotton?

None at all.

1276. What did you mean by saying, in answer to the question, "Have you ever paid anything to officers of the army for getting cotton out?" "You now ask me a pretty tight question. It is a pretty hard thing for a man under the military authorities down there to tell what he knows."

I mean this: that a man may be moving cotton, and moving it legitimately, under regular authority of the United States, may pay all of his taxes, legal and illegal, and then be arrested by provost marshals or military detectives, or other parties, for black mail; that is what I mean.

1277. State whether that was the case with you?

In my opinion that was the case. In my opinion that was the reason why I was arrested several times.

1278. Did that result in your making payments of any kind?

It resulted in my having to employ counsel.

1279. Was any black mail ever had of you at any time?

The counsel generally got my property loose. I never paid any money only to counsel.

1280. Was the money you paid all of it as counsel fees?

I had to pay the property so much and the property came loose.

1281. What amount of money have you paid to counsel?

I do not know that I can tell; I have never kept the run of that.

1282. State as nearly as you can?

I judge about \$20,000, in one way or another.

1283. Had you any reason to believe that any person other than counsel would be interested in that money?

A man can think a great many things. I could not tell what the counsel did.

1284. The question is, had you any reason to believe that any part of it went to other parties?

I thought so.

1285. What reason did you have to think so?

The reason that I have been arrested one week and turned loose the next. If it was right to arrest, it was right to hold, as I thought.

1286. What proportion of the money you paid did you have reason to think went to others than your counsel?

I do not know anything about it. The lawyers who I employed did the business in their own way.

1287. Did you suppose your lawyers were doing business with the parties prosecuting you?

I do not know; I thought so. The whole thing from one end of the river to the other has been carried on in a very strange way.

By Mr. Perry:

1288. Were these parties you employed lawyers in all cases?

I think they were.

1289. I want you, if you can, to state the name of any officer under the government who has interfered with your property, and released it, and who, at the time, you had reason to believe received a portion of the money that you paid to counsel?

That is a thing I could not state, it has been so mixed up with treasury and military officers; sometimes the military would aid the Treasury in binding things and sometimes in loosing things; there was a combination, in my opinion, between them.

1290. Have you answered frankly the questions put to you according to the best of your knowledge?

I could not tell you how the money is divided; whether it is divided at all between the counsel and other parties I could not tell; whether any of it went to the military and treasury officers I could not tell, but in my opinion it was divided between them.

1291. Between counsel and officers of the treasury and military?

Yes, sir; it is a combination; money has been paid in a great many ways and directions.

1292. In what ways and directions?

I mean at different times, not in a lump. You ask me how much I think I have paid out for counsel fees, and I replied \$20,000, first and last. I did not pay it all at one time. We have been out a good deal more than that in consequence of military orders. I think I am out more than \$70,000 or \$80,000 in consequence of military orders, made arbitrarily by military officers, and I am out some \$50,000 by payment of extraordinary taxes, levied without any authority of law, in my opinion.

1293. Will you exhibit to the committee these permits under which you have brought out cotton?

I have not any with me. I have received some permits under the late law, but I have not taken out any cotton under them. I came here to get the President to approve them.

1294. Where are your other permits?

At Memphis. They are filed there with the Treasury Department.

1295. When was the last time you procured cotton?

I have already stated that I supposed my boat to be getting out cotton now.

1296. What boat do you speak of?

I speak of the steamboat which I own on the river.

1297. Have you more than one?

No; I am interested in another.

1298. Will you show the permits you have here under which you say no cotton has been brought out?

The following are three applications made and permits received under them:

No. 195.

Application.

"I, John H. Morse, of Jefferson county, State of Missouri, own or control two thousand bales of cotton, now in the counties north of Red river, State of Arkansas, which I wish to deliver to the United States purchasing agent at Memphis, under the regulations prescribed 'for the purchase of products from insurrectionary States on government account,' and approved by the President September 24, 1864.

"JOHN H. MORSE."

Permit.

[Form No. 1.]

"MEMPHIS, TENNESSEE, December 24, 1864.

"I, George H. Ellery, agent for the purchase of products of insurrectionary States on behalf of the government of the United States at Memphis, Tennessee, do hereby certify that I have agreed to purchase from John H. Morse two thousand bales of cotton, which products, it is represented, are or will be on the streams entering Red River of the North, in the counties bordering on and between the Red and Arkansas rivers, in the State of Arkansas, on the ——— day of ———, 186 —, and which he stipulates shall be delivered to me, unless prevented from so doing by the authority of the United States.

"I therefore request safe conduct for the said John H. Morse and his means of transportation and said products, from the Red river and tributaries to Memphis, Tennessee, where the products so transported are to be sold and delivered to me under the stipulation referred to above, and pursuant to regulations prescribed by the Secretary of the Treasury.

"GEORGE H. ELLERY,

"United States Purchasing Agent."

No. 194.

Application.

"I, John H. Morse, of Jefferson county, State of Missouri, own or control (1800) eighteen hundred bales of cotton now in the counties bordering on the Yazoo river, State of Mississippi, which I wish to deliver to the United State purchasing agent at Memphis, under the regulations prescribed 'for the purchase of products from insurrectionary States on government account,' and approved by the President September 24, 1864.

"JOHN H. MORSE."

Permit.

[Form No. 1.]

MEMPHIS, TENN., December 24, 1864.

"I, George H. Ellery, agent for the purchase of products of insurrectionary States on behalf of the government of the United States, at Memphis, Tennessee, do hereby certify that I have agreed to purchase from John H. Morse eighteen hundred bales of cotton, which products, it is represented, are or will be on the banks of the Yazoo river, in the counties bordering on the Yazoo river, in the State of Mississippi, on the — day of —, 186—, and which he stipulates shall be delivered to me unless prevented from so doing by the authorities of the United States.

"I therefore request safe conduct for the said John H. Morse, and his means of transportation and said products, from the Yazoo river to Memphis, Tennessee, where the products so transported are to be sold and delivered to me under the stipulation referred to above, and pursuant to regulations prescribed by the Secretary of the Treasury.

"GEO. H. ELLERY,
"United States Purchasing Agent."

No. 196.

Application.

"I, John H. Morse, of Jefferson county, State of Missouri, own or control three thousand bales of cotton, now in the counties bordering on the banks of the Mississippi river, in Arkansas and Mississippi, which I wish to deliver to the United States purchasing agent at Memphis, under the regulations prescribed 'for the purchase of products from insurrectionary States on government account,' and approved by the President September 24, 1864.

"JOHN H. MORSE."

Permit.

[Form No. 1.]

"MEMPHIS, TENN., December 24, 1864.

"I, George H. Ellery, agent for the purchase of products of insurrectionary States on behalf of the government of the United States, at Memphis, Tenn., do hereby certify that I have agreed to purchase from John H. Morse three thousand bales of cotton, which products, it is represented, are or will be on the banks of the Mississippi river, in the counties bordering the Mississippi river, in the States of Mississippi and Arkansas, on the — day of —, 186—, and which he stipulates shall be delivered to me unless prevented from so doing by the authority of the United States.

"I therefore request safe conduct for the said John H. Morse, and his means of transportation and said products, from the counties bordering on the river as above to Memphis, Tennessee, where the products so transported are to be sold and delivered to me under the stipulations referred to above, and pursuant to regulations prescribed by the Secretary of the Treasury.

"GEO. H. ELLERY,
"United States Purchasing Agent."

1299. These three applications are all dated September 24, 1864; were they all made at the same time?

Yes, sir.

1300. What was the process by which permits were granted?

I wrote those applications, and permits were issued under regulations of the Treasury Department, as I understand.

1301. And you say the applications were all made at the same time, and the permits given at the same time?

Yes.

1302. Why were they not all embraced in one?

For the reason that they cover different districts of country, and I wanted to send one by one boat in one direction, and another by another boat in another direction.

1303. Did you own this cotton at the time these applications were made?

Not all of it; I controlled it; I owned it, or had the agency of it.

1304. How?

I contracted with parties for it.

1305. This cotton is all within the rebel lines, is it not?

Yes, or in a section claimed both by us and by the rebels.

1306. And the parties you dealt with, in buying cotton, are rebels?

They say they are not; there is a difference of opinion as to what constitutes a rebel.

1307. What is your judgment?

In my opinion, a great many of them are rebels.

1308. How many men own the cotton?

I suppose, perhaps, half a dozen.

1309. What kind of bargains did you make with them?

They were made before the act of Congress of July 2d was passed.

1310. Was it purchased with money?

I have paid a considerable amount of money for it.

1311. You have stated that you brought these papers to Washington for some purpose; will you please restate the object for which you brought them here?

General Dana issued an order that I considered entirely at variance both with the orders of the President and of the Treasury Department, which was that if I wanted to go and get the cotton, I must locate it, stating precisely on what plantations it was to be found; that unless I could do that I could not go and get the cotton. For instance, I contracted with a party to deliver cotton on the Red river; I contracted with a party to deliver it at Friar's point, I could not tell where this cotton was. I desired permission to bring out cotton I had contracted and paid my money for, without being subjected to so impracticable conditions. I came here to have that question decided. I also desired to know whether I was to be permitted to take out supplies or not, for General Dana had changed the orders of President Lincoln and Mr. Fessenden, as I understand them, and prohibited supplies from being taken out.

1312. Do you state that you own the 6,000 bales of cotton mentioned in these permits? Own or control.

1313. This is independent of the cotton you have already got out, of course?

O yes.

1314. Do you mean to say that these six or eight thousand bales have been paid for?

I have paid forty or fifty thousand dollars towards it, and they have agreed to deliver me so much cotton.

1315. Was this transaction prior to the passage of the act of Congress of July 2d?

Yes.

1316. And this amount of cotton has not been covered by any cotton brought out since you have been here?

No, sir.

1317. So that your whole interest in cotton already brought out, and in permits to obtain cotton, would amount to 10,000 bales?

I think to about 7,000 bales.

1318. What amounts of cotton did the permits cover that your partner is now acting under?

I do not know; these permits are given out when an expedition goes out, and taken up when the boat returns, without reference to the amount obtained. We very likely would take out a permit for 1,000 bales, which would be taken up when not more than fifty had been brought out, and a new permit issued.

1319. And you say you came to Washington to ascertain what supplies could be taken out?

I wanted to know the nature of the supplies which would be permitted. The order issued by General Dana, it seems to me, is entirely at variance with the treasury regulations, which allow supplies to be taken in to the amount of one-third of the cotton brought out. I wanted to know whether if I contract with planters to bring them, in return for cotton brought out, supplies to the amount of one-third the amount, I shall be compelled, by military authorities, to make a breach of contract with those planters. I do not want to be placed in that position towards them, for many of them are honorable men. I made such a contract with planters, and I have, within the last three days, written to those in charge of my boat down there, that if they had any cotton on board to give it back to the planters, for I do not want to be guilty of bad faith towards them, as I would be compelled to do by this order stopping supplies.

1320. Then, for these six or eight thousand bales of cotton you propose to return supplies to one-third their value?

Yes, one-third of the value at the time the cotton was delivered.

1321. Can you state about what would be the value of that amount of cotton?

It would amount to several hundred thousand dollars.

1322. What effect do you think this kind of trade with the rebels has upon the cause of the Union?

I have an opinion about that which may be different, I suppose, from that of many other

men. In politics I am as radical as anybody in desiring to see this rebellion put down, but if I were to tell you my own views upon this subject, you might perhaps call me a rebel. My opinion is this: take, for instance, a single county in Mississippi, from which a good deal of my cotton has come, a very large majority of the people were against secession, until the acts of Congress in regard to confiscation, &c., were passed, and they have placed them almost unanimously with the rest of the south in the interest of Jeff. Davis. It has placed them, against their own will, in hostility to the government, for the sake of protecting themselves in the enjoyment of their own property. Now, if they are allowed to sell their cotton and have something to eat and something to wear in return, it makes it for their interest to be disloyal to the confederacy. Under a strict construction of the act of Congress I do not think the President had any right to permit supplies to go through the rebel lines, but the President assumed the authority.

1323. Have you dealt in purchasing cotton with any others than the planters who raised it?

I do not know; I think probably I might; there are cotton speculators in the confederacy as much as within our lines, buying and selling.

1324. Have you had reason to suppose that some of the parties operating with you for the sale of cotton have been in the rebel service?

I do not know; they might. The men there are all in the confederate service; many have been forced in.

I mean men who are acting in some way or other under the confederacy?

I do not know anything about that. I believe that these supplies would, to a greater or less extent, get into the confederate army. I think I have known of instances where they were captured and carried in.

1325. Do you mean to say that that would be favorable to the cause of the Union?

I cannot say that it would, but at the same time I believe it would do no harm. I do not think myself the south ever lost a battle for want of something to eat, or something to wear, on the part of their soldiers. The cotton in the confederacy has the effect to make all Europe interested in running the blockade; and while the cotton remains in the confederacy, efforts to run the blockade will continue to be made; but if the cotton can be taken out of the confederacy, even on condition of admitting supplies not contraband of war, the sole ground of their reliance abroad will be taken away.

1326. If any person, who you had reason to believe was an agent of the confederate government for the sale of cotton, should come to you, would you feel authorized to make a purchase from him?

Yes; the act of Congress says nothing about rebel cotton.

1327. And you would have no hesitation to deal with the rebels?

I should consider that I had the right under my permits to buy cotton from anybody—that is the construction given by the treasury agents.

1328. Have you, in fact, dealt with some of these parties in the purchase of cotton?

I may and I may not. I am not acquainted with all the men I have employed to purchase cotton.

1329. Have you not dealt with persons whom you have no reason to doubt came from the confederate army?

I do not know. Prior to the act of July 2, supplies were not permitted to go outside our lines, unless upon the oath of the party applying for them that they were exclusively for his own use; but under the act of July 2 that condition was not required.

1330. Have not you had reason to believe that some portion of the supplies introduced went to the support of the rebel army?

So far as my opinion is concerned, I believe such things have been done.

By Mr. Washburne:

1331. Are there many persons engaged in this cotton trade down the Mississippi?

There have been, from time to time, a good many.

1332. Are you one of the largest operators in that business?

No, sir; I have done a great deal, but there are men who have done a great deal more. Parkman & Brooks have done more; they are among the largest operators. William Butler, of Illinois, is another. Terrill & Cherry are large operators. Samuel Casey was a pretty large one. The men engaged in New Orleans I am not acquainted with. The largest operator last year was Parkman. Jim Harris is perhaps the largest one for this year's operations. The largest permits that are ever issued, are issued here. I have applied for one myself, but cannot get it, for what reason I know not, unless because I have got cotton, and those who get permits have not. Men who have no cotton come here and get permits without difficulty.

1333. Do you know any such cases?

Yes; this man Conatty has a permit for 50,000 bales.

1334. Has he ever tried to negotiate that with you ?

I think I could have had the benefit of that permit if it had been worth negotiating for.

1335. Did he ever offer to sell it to you ?

No ; I think I could, by taking him in as a partner with me, have had the benefit of his contract. I have seen the permit, read it through, and suggested to him that it was lame. It is a contract to bring out 50,000 bales of cotton, at certain points, for which he has the President's order.

1336. Has Conatty, or any of the parties connected with that contract, offered to sell it, to your knowledge ?

No ; he told me what he could get for it ?

1337. What did he tell you he could get for it ?

He told me he could get \$5,000. It was not exactly stated whether there were other partners to come on with him or not. I think I should have gone into partnership with him if the contract had been worth anything. It was limited, the time only running till 1st of May. After I talked with him, he got it amended in some respects, and that was what vexed me.

1338. How has he got it amended ?

The contract was that the cotton should be delivered by way of the Mississippi river. I asked him how he could get his cotton from certain States unless he could travel on the tributaries of the Mississippi river, and he got it amended so as to read "and its tributaries."

1339. Was that done at your suggestion ?

I saw the amendment. When I came here I asked for a permit to ship through to New York and Philadelphia, the houses receiving at these points accounting to the government for the taxes ; but I could not get such a thing. I found such things given to others, but refused to me. Martin, of the Ocean Bank, received such permission.

1340. Is Mr. Martin in Memphis now ?

I suppose he is ; I left him there.

1341. Is he getting out cotton ?

I do not know. Men cannot go from the east and get out cotton there unless they associate with men who have been in the trade.

1342. Who is Martin's partner ?

I cannot tell you.

1343. Has he a steamboat there ?

I cannot tell you ; he is trading there, and I think has gone in with some cotton man. The fact is, the treasury agents and the military are making all of the money. General Washburne issued an order about the 26th of July, ordering all cotton in Memphis, or in transitu to Memphis, to be put into store and receipted for by the owner. I had a lot of cotton which was taken in that way. Cotton at that time was worth \$1 65 in Memphis, and they held that cotton until it was worth only 80 cents. A secret order was then issued, that, when parties went to get their cotton, \$5 a bale was to be charged for storage. There was then a charge called "hospital dues." I constituted myself an "investigating committee" about these hospital charges, and I learned from the hospital men there that all of the hospitals were supported by government. There was some twenty-five or thirty thousand dollars collected at that time to my certain knowledge. I paid over \$400 myself.

1344. To whom was that paid ?

To Quartermaster Edwards.

1345. How much do you think has been paid at the port of Memphis for hospital tax ?

I think, as far as my knowledge serves me, from ten to twenty thousand dollars was paid, at the rate of \$5 a bale, whether the cotton was actually stored or not. One of the sergeants where I boarded told me that the government supported the hospitals, and that he did not believe one dollar of the money so paid was ever seen in a hospital. Then, in November or December, General Dana issued an order that all the cotton arriving in Memphis should pay \$2 a bale tax for militia purposes.

1346. To what purpose was that applied ?

The militia wanted to know that.

1347. How much should you think had been paid in all ?

I cannot say. The papers say 30,000 bales arrived there, which at \$2 a bale would amount to \$60,000. I think 50,000 bales came out of Memphis under that order. General Dana, in my presence, made a boat pay an arbitrary fine of \$2,500.

1348. What boat was that ?

The "Sultana," a St. Louis and New Orleans boat. Under these arrangements we paid four cents a pound tax as internal revenue, \$2 a bale to the quartermasters, and now we pay four cents a pound under a treasury order.

1349. Did you pay that at the custom-house ?

No sir, I have paid over \$40,000 under that tax, and there is no law for it at all. The regulations say what shall be collected; but through treasury agents, detectives, &c., I suppose from four to eight millions of dollars have been collected in that region, without any authority of law whatever. At the request of the commissioner, I submit the letter to which I referred in my testimony of yesterday:

“MEMPHIS, TENNESSEE, *January 23, 1865.*”

“DEAR SIR: Your favor of the 14th has just come to hand, and I hasten to answer the same. I have received some two or three letters from you in the last week, but expecting you home every day, I did not answer them. I was glad to see, from the tenor of your letter, that you were so hopeful in getting your business fixed up satisfactory just at this time. It would be fortunate for you to succeed and have your papers here, so that you might use them in getting out cotton from the Point. Murphey has made one trip, and brought out 142 bales, and turned it over to the government, and paid the 25 per cent. tax, and shipped it to G. Pattison & Co., Philadelphia, and drawn upon them for \$48,000. He got a permit for \$18,000 worth of supplies, and has gone back to the Point for another lot of cotton that he engaged on his first trip. The 142 bales averaged 58 cents per pound. The government valued it at \$1 05, to pay tax, which I consider an outrage, as it was nothing more than low middling, if that, and according to New York quotation it should not have been valued at more than 90 or 95 cents. The cotton weighed 61,000 pounds. The government tax was the rise of \$17,000, which, according to my calculation, will take off the entire profit, without cotton should go up to \$1 35 to \$1 40 before it gets to Philadelphia, which I am inclined to doubt. The former merchants and speculators are very much dissatisfied with Mr. Ellery in regard to the way that he is dealing with them. He does not propose to give and take. If you sell to him, he takes it six cents less than he will allow you to buy it at. For instance, if you sell him middling to day, he will give you 94 cents for it, but if you buy it back, he will value it at \$1, which makes a difference in his favor of six cents, and in large lots of cotton it is quite an item. And as you expect to continue in the trade, it would be advisable for you to see if he is going according to instructions. After the expenses were deducted your cotton only netted 62½ cents. Now, add 42¾ cents tax to the original cost, 58 cents, and you will see that cotton stands you \$1 0¾ per pound, with the six cents government tax paid. Now add to that amount 8½ cents for transportation, and it will cost you \$1 09¼ to land your cotton in Philadelphia. Without cotton goes up you will lose money by shipping, and make nothing by turning it over to Ellery. Williams is with Murphey. General Beauford furnished the Hill with a gunboat escort, on her first trip to the Point. Murphey is in fine spirits, and says the people down the river are anxious to sell him cotton. Dr. Jackson is now at the Point with some parties getting out cotton. Lacy & Magee received 600 bales to-day by the river. If you succeed in getting your papers fixed up right you can make money, but without them it is useless to work. Our lines are still closed against trade outside of the military occupation, and not much hope of their being opened soon. Trade in cotton here is played out, except what Ellery is doing. His concern reminds me very much of a certain loathsome disease that medical men call small-pox; if a man has it once he never has it a second time. The same way with these country people; if they turn over one lot of cotton to Ellery they never turn over the second lot. Write often, and give me the news.

“Yours, respectfully,

“J. M. COLEMAN.

“JOHN H. MORSE, Esq., *Washington City, D. C.*”

JAMES S. CASEY called, sworn, and examined.

By Mr. Eliot:

1350. State your residence and business for the last few years?

My residence is Kentucky. I have been engaged in cotton speculations during the last two years.

1351. State where, to what extent, and under what permits or contracts?

At Vicksburg, and to a limited extent, under permits of the Treasury Department, issued at Vicksburg, and some at St. Louis.

1352. When did this business commence?

I do not remember the time that I did commence exactly; the principal business I have done commenced in January, 1864.

1353. What amount of cotton in the whole have the permits you have had covered, as nearly as you can state?

I have had more permits than I have had cotton; I could not tell the amounts the permits covered; I have no definite idea.

1354. Can you state the amount of cotton you have procured?

I could state somewhere near the amount of cotton, but I could not state the amounts the permits covered, for the reason that sometimes we would get a permit for a very large amount, which would be given up when only a small amount had been obtained, and then we would get another permit; I suppose I have brought out altogether nearly 2,000 bales of cotton.

1355. From what sections of the country had the cotton been brought?

Back of Vicksburg, in the interior.

1356. Had the cotton been purchased or contracted for by you prior to your obtaining permits?

Most of it.

1357. In what way was that cotton paid for?

It was paid for in greenbacks.

1358. All of it?

I was interested in some cotton at one time which had been paid for in part in confederate money. It had been purchased and paid for a long time.

1359. What permits, if any, have you obtained since July, 1864?

None.

1360. Then all your transactions have been upon the permits procured before the passage of the act of July 2, 1864?

Yes.

1361. Have you made application for permits under that law?

No.

1362. Have you had any interest in any applications that have been made?

Yes, I have a prospective interest.

1363. State the facts concerning these transactions?

I know nothing about it, only my brother applied for some permits to get some cotton. I was interested in them.

1364. Did he procure them?

I do not know; I have not seen him since.

1365. Did you sign any applications for permits?

No, sir.

1366. Then all that has been done in that matter has been done by your brother?

Yes. I have a partner in Vicksburg who may have made some application without my knowledge.

1367. What is his name?

M. M. Forsyth.

1368. Have you any knowledge concerning the trade with the rebel States since the passage of the act of July 2, 1864?

No, sir.

1369. Can you give the committee any information in regard to the effect of that law as it has been administered upon the interest of the government?

No, sir; I have been in Missouri since that time, and here, and therefore can give no idea about it.

1370. What amount of money have you invested in cotton under the permit you have stated?

I could not tell without seeing some accounts which I have.

1371. Could you approximate the amount?

No, sir. Not in a way that would be at all satisfactory.

1372. Have you had any dealings with officers, military or civil, in the matter of obtaining cotton?

I have had conversations with them in regard to these things.

1373. Since the passage of the law of 1864?

No, sir.

1374. Have you had any conversations with them which have resulted in transactions?

Only so far as getting permits, and sometimes receiving favors, which any one had the right to demand.

1375. Have you any knowledge in regard to supplies sent into the rebel lines in payment for cotton procured for them?

No, sir; nothing positive.

By Mr. Perry:

1376. Have you now cotton under your control on the Mississippi?

Yes, sir.

1377. Purchased and paid for?

Yes.

1378. How much?

About 600 bales, I should think, that I am interested in. I do not own it all.

1379. How much have you had which was delivered at Memphis?

We shipped at New Orleans; we transferred some to Memphis, to be shipped to New York.

1380. How much have you had to pay for passing cotton through Memphis?

That was paid by the merchants there.

1381. How much did they pay?

Not more than the usual charges.

1382. What were the common charges there?

I do not know.

1383. Were there any charges at New Orleans?

Nothing more than hospital dues and some other taxes. I do not remember precisely what taxes were paid there.

By Mr. Eliot:

1384. You state that the payment of the cotton was in greenbacks; with what parties did you contract for the purchase of this cotton?

We contracted with some owners and sometimes negotiated with parties living in the country to buy and get out the cotton.

1385. Were these owners rebels?

Yes; some of them had taken the oath, but that does not make a man a Union man.

1386. Can you give the committee any facts or judgment, from observation or information, as to the effect on our cause of these dealings with the rebel States in cotton or other products?

If you will make a proper discrimination in trade it would be a benefit to the government. If you could have honest men to administer the laws, men who would act justly without being bribed, I think the trade would be beneficial.

1387. Have you met such men?

I do not believe there is an honest man on the Mississippi river connected with cotton permits in any way; the temptation is so great they cannot withstand it. As honest men as you can find in the country go down there and become contaminated.

1388. Then, in view of that fact, what, in your judgment, is the practical effect of this trade on the government cause, under the law as it is administered?

It is bad.

1389. Have you any of the permits with you that you have spoken of?

I have not.

1390. Do I understand you that they were procured upon application for any amount of cotton asked for, whether the party applying owned or did not own the cotton at the time the application was made?

The application was for a permit to purchase.

1391. And the amount was fixed as large as you pleased?

Yes, sir.

1392. If these permits were lost could they be used by other parties?

No; because they were given in the name of the person applying.

1393. Were they considered valuable, or were they so easily procured as to be worth nothing?

They were very easily procured.

1394. Is there any fact within your knowledge that would throw light upon the subject under investigation?

Nothing that I know personally.

MONDAY, February 13, 1865.

Members present:

Representatives.

Mr. WASHBURNE,

Representatives.

Mr. PERRY.

General GEO. H. GORDON called, sworn, and examined:

By Mr. Washburne:

1395. Please state your residence and the position you occupy?

I am residing at Norfolk, Va., and am in command of the eastern district of Virginia.

1396. How long have you been here?

I have been engaged here as president of a military commission ordered on the 19th of January, 1865, from headquarters department of Virginia and North Carolina. The object of this commission was to investigate the extent and nature of the trade carried on through and from the port of Norfolk with the interior of Virginia. The commission has been in

session since that date, sitting daily, Sundays excepted, about four hours per day, without any intermission until the present.

1397. What has been the result of your investigation and observation thus far in relation to the subject matter of the investigation, please state fully and particularly in narrative form?

My opinion, from the investigation thus far continued, is that, by far the greater portion of the goods, wares, and merchandise, admitted into the port of Norfolk, find their way directly into the rebel lines, for the benefit of the rebel armies. Norfolk is now a free port, like any other domestic port in the United States, and there is no limit, I believe, to the shipment of goods, except contraband of war, from any domestic or foreign port. As I understand the treasury regulations, the relations now between Norfolk proper, as a city, and the outside country, are precisely the same as they were between any other domestic port and Norfolk, before it was an open port. Consequently, all the goods that come into Norfolk, unless properly guarded against, will pass directly out into the adjoining country; and, if they do so, there has been, in my judgment, no satisfactory provision made to prevent their passing directly into the rebel lines, by going up through the Dismal Swamp and Albemarle and Chesapeake canals, and across the Chowan river. I believe it has been considered in this department that the counties west of the Dismal Swamp canal were neutral ground, but the best testimony shows that the country has been freely open to incursions from the rebel lines and excursions from our limits; that any goods there could, without the slightest let or hindrance, be transported into the rebel lines; that there have been during the last year a very large amount of goods passed through to Elizabeth City, Edenton, Hertford, Gatesville, Washington Ditch, so called, and Hamburg, all of which places are entirely outside our picket line, and entirely without the control of our military forces, unless there should happen to be a raid made in that section of the country. The picket lines in this eastern district of Virginia have covered portions of the ground between Suffolk and a place on the Albemarle and Chesapeake canal called Coan Jock, but the stations have been such that they presented, in my judgment, no particular obstruction to the passage of goods without the lines.

At certain points on the picket line, as at Coan Jock, on the Albermarle and Chesapeake canal, Bernard's Mills, a little south of Suffolk, and a place called Ballyhack, on the Dismal Swamp canal, there have been stores erected by permission of the military authorities here. I learn that the Treasury Department have, in fact, exercised no jurisdiction over them. To a question of mine, why they had not, the agent of the treasury replied that he could not tell, but he had not. I do not find that there was any special limit allowed as to the amount of goods these stores could have. The theory seems to have been that this loyal population (as it was supposed to be) west of these places would purchase simply the necessities of life, and that nothing could or would find its way into the rebel lines. But all the testimony serves to show that much not only did find its way into the rebel lines, but that the provisions of the treasury regulations and the restrictions which the Treasury Department have published to prevent large stocks of goods from being kept on hand, and all the restrictions which they have published to prevent large sales of goods being made to one man, have been entirely ignored. And if there was any limit at all, in my judgment, it was the limit of capacity to purchase and nothing else, or, in fact, the limit of the allowance of goods that could come into Norfolk. Previously to this being an open port and subsequently, the sales of goods outside, with permission of the authorities to take cargoes to Elizabeth City, Edenton, and other places, as I understand, was permitted by the military commander with a view of supplying these loyal people, but the permission was, in fact, used to make large exchanges of cotton. I think I may give an abstract of the amount of goods that within a given time have passed out of Norfolk, and perhaps the amount of cotton that has come in, which will show the nature of the exchanges that have been made. I may state the fact that about all the cotton that passes across the Blackwater and Chowan rivers is the property of the rebel government, and passes only by their permission; that they have a rebel commissary stationed at a place called Murfree's Depot, who, since July last, has exchanged cotton for coffee, sugar, molasses, hats, cavalry boots, and other articles necessary for the rebel armies. Prior to that time such exchanges were made principally for meat. From what I have said, and from a great mass of testimony to which I have not referred, but which is corroboratory of my statements, and from personal observation on the Mississippi and in other parts of the country of precisely the same import, I am clearly of the opinion that the establishment of trade stores under the regulations of the Treasury Department is entirely injurious to the United States government and entirely beneficial to the rebel government, and that so far as this district is concerned the opening of the port of Norfolk as a public port is productive of the most serious injury to the United States government; that the permission to sell goods within the United States outside of our own picket lines, or where they can get outside of our own picket lines, is also productive of grievous injury; that if Norfolk is still to be continued

as an open port it will necessitate the employment of a large military force to be wasted to prevent these goods from finding their way to the rebels. A military permission to bring in such cargoes as are essential to the citizens who may remain here and the soldiers who may be employed here will answer all purposes of the public good.

1398. What has been the effect of the trade under the treasury regulations, so far as there has been any such trade?

Under the treasury regulations there seem to have been provisions by which only one store should keep on hand a certain amount of goods, and the government was protected to a certain extent, by allowing sales of these goods, in certain quantities, only to certain persons, about which persons inquiry was made as to their loyalty and the improbability of those goods getting to the rebels, and of their being used simply for family supplies. In the eastern district, where I have more minutely observed the working of this system, the Treasury Department seems to have been totally ignored in it, and their requirements were never fulfilled. And so far as the military undertook to do what the Treasury Department were required to do, they most signally failed, for this reason and to this extent: they did not require any person coming from this so-called neutral region to take the oath of allegiance, under the plea that the government could not protect him. They did require him to make an affidavit that the goods were for his own use; but, without any knowledge of who he was or where he came from, they allowed him to purchase for himself to the extent of \$200. They permitted him also to represent ten, thirty, or fifty of his neighbors, upon his mere saying that he had come in to make purchases for them. The protection against these goods going to the rebels, was simply that a list of the goods required by the citizen was handed to the officer, which list was sent to the provost marshal up stairs; this provost marshal gave him permission to take the goods out, the provost marshal himself being totally ignorant of who the man was, or where he was going, or whether the list was intended for two or forty of his neighbors. Therefore, in fact, one man has been permitted to take, under the guise of family supplies, \$2,000 worth of goods from Coan Jock, on the ground that he was going to supply his neighbors. And that abuse, I think, will become unlimited in extent if parties are allowed to sell goods beyond our picket lines.

1399. What is the present state of the trade; does it continue the same as it has done, or has it been curtailed?

By an order from General Grant, no goods are now permitted to pass in bulk from Norfolk. This commission, under the authority it assumed to possess, immediately shut up the stores outside the picket lines, and now sales are allowed in small quantities to families, but Norfolk is the only point of supply. I have not yet made such restrictions as I propose to make, the design of which is to prevent the possibility of anything going beyond our picket lines.

1400. Would it require a larger military force to do what you propose than to stop all trade at once?

I do not think it will. I think a force sufficient to prevent ingress and egress from our lines would be quite sufficient to prevent the exportation of any supplies. The supplies that have gone out have proceeded upon the theory that we ought to feed the large population east of the Chowan and Blackwater rivers, but, in my judgment, the supplies have passed out to other persons for the purpose of bringing in cotton; that instead of supplying those people, they have passed over into the rebel country and been exchanged for cotton. I have testimony to the fact that these people, supposed to be loyal, sell their hogs and such meat as they can get to the rebels for cotton, then bring the cotton back and sell it for sugar, coffee, candles, molasses, &c., then sell these articles for more cotton, and so continue the business. I find that as high as six carts have been seen on one road coming in for goods to be carried across the Chowan river.

By Mr. Perry:

1401. Who do you find have been engaged in this trade most prominently?

The store at Coan Jock was nominally under a simple-minded North Carolinian, named C. C. Poole; but Mr. Poole had, in fact, a very small interest, I think one-tenth, while nine-tenths was owned by a man who had been adjutant general of this district for more than a year, named Johnston, who went off very suddenly after this investigation commenced and before I had fairly done with him. He is now, I understand, in Boston. I think Johnston testified that that nine-tenths was further divided, one Sanborn being a part owner.

1402. Where did you find this Poole's residence to be?

He was a resident, I think, of Elizabeth City, but kept his store at Coan Jock. I can also say, from the testimony in my possession, of Poole, that as he did not make enough to satisfy him by selling, it was Johnston's habit to get military permits in Norfolk for goods to go to the Coan Jock trade store, and then to sell these goods to parties in Elizabeth City, passing them directly by Coan Jock and receiving twenty-five per cent. bonus in the

invoice price, thus selling directly a military permit to go outside our lines, Elizabeth City being fourteen miles outside our pickets.

1403. Who is Johnston?

Johnston was formerly assistant adjutant general of this district, and had acted as assistant adjutant general of the department under General Butler. He resigned, I think, last November, and immediately established this store. He had a great deal to do with permits before his resignation.

1404. By whose authority were these permits made out at that time?

By the authority of General Shepley.

1405. What interest had Mr. Hildreth in any of these stores?

The store at Ballyback was carried on under the title of Renshaw & Co. Renshaw was born in Kentucky; was found in New Orleans when the city was taken by General Butler; was clerk to Mr. Reed, a brother-in-law of General Butler; was engaged in trading for Hildreth in New Orleans with a permit, (so he says;) was afterwards in New York, and was there solicited by Hildreth to come down to this district and open a store. He came and secured permission to start a store at Ballyback. Hildreth was interested in this store two-fifths, Renshaw two-fifths, and a man by the name of Charles Whitlock one-fifth—though Whitlock put in about all the capital. Whitlock was tried last September before a military commission for trading with the rebels. These proceedings were carried away by General Butler. I sent for them, and they were returned with action upon them; but the action was after General Butler had been relieved, and, therefore, I think is void. Mr. Whitlock, however, has been permitted, since the trial, to continue his business until I stopped him.

By Mr. Washburne:

1406. What was the action of General Butler upon this proceeding?

The commission fined him \$1,000, and sentenced him to imprisonment during the remainder of the war. General Butler remitted the imprisonment, but approved the fine. He stated that he remitted the imprisonment, because since that time the President had authorized the trade to be continued under a general regulation, as I understand, allowing goods to be carried in to the extent of one-third the amount of cotton brought out.

1407. Do I understand that under this finding and sentence of the commission, and the approval of the finding and a portion of the sentence, while the action on the sentence was delayed, Whitlock was allowed to continue on in his business as before?

Whitlock was allowed to continue his business?

1408. Where was Whitlock from?

He was originally from Connecticut. The store at Bernard's mills had as partners McKay and Riddle, of Baltimore, and Mr. Hildreth. Hildreth was there to have one-half the profits, and to put in no capital. The parties said they were willing to pay him that, because of his interest with General Butler. They have since stated with a good deal of candor that since General Butler's removal they did not feel themselves bound by their bargain.

1409. Where is Mr. Hildreth now?

Mr. Hildreth, the second or third day after this commission commenced its investigation, drew his money out of bank and went away. I have not been able up to this time to find out where he is.

1410. Previous to his departure had you summoned him to appear before you?

I think we had not, for the reason that his connexion with this matter had not appeared until after he had gone. He has been summoned since that time, but he did not appear.

1411. Was Hildreth engaged in any other stores there?

I do not know positively that he was. He was supposed to be interested in Lane's last affair. I say, supposed to be, because he was seen on board Lane's steamer, talking with him in an interested manner.

1412. Where did this take place?

As I understand it from a witness, it took place on his steamer before he left Norfolk; and I should also add, that, as my testimony is my best belief, from all the evidence I have had, and from general impression, that Hildreth was interested, more or less, in all the cotton transactions in this department from the Chowan river.

1413. Have you had any information or evidence that he has been down with vessels at any of those stores, or seen talking with rebels there?

I think not.

1414. Where were the goods mostly purchased and taken from that went through the rebel lines in the manner which you have described?

I find that the store which General Shepley permitted at Ballyback had three branches, all of them outside the picket lines; and not only outside the picket lines, but outside our protection: one branch at South Mills, one at Hamburg, and one at Washington Ditch;

and from these three points the goods went directly into the rebel lines. The same may be said, also, of the stores at Coan Jock, at Elizabeth City, and to a certain extent at Gatesville and Edenton.

1415. Were those goods sent out there purchased at Norfolk?

All of them.

1416. Were there any particular stores here which had the bulk of that trade?

We have not gone far enough in the investigation to know from what particular parties they came; I can state this, however, that a very large portion of them came from the large heretofore wholesale establishment of Renshaw, of which Hildreth is half owner. It had four branches within the rebel lines. Hildreth, I think, had two-fifths interest in all these transactions.

1417. Where is Renshaw at the present time?

He is under guard here.

1418. Do you know of any one true interest of the government which has been subserved by this trade?

Not in the slightest degree, unless the government considers it for its interest to exchange commissary stores for cotton. If that be so, it can be done, in my judgment, to any extent.

1419. What has been its benefit to pretended loyal families?

The best testimony we get upon that point is that it has been an injury to the loyal families, inasmuch as they are compelled, when they want anything, to purchase from these irresponsible stores, where there is no competition and no limit to prices; their best representative, Mr. Brooks, of Elizabeth City, has been before this commission to represent that these stores should be broken up, on the ground that they are a nuisance to the pretended loyal families there, for whose benefit they were ostensibly established.

1420. What is the effect of this trade on the military authorities?

It cannot fail to demoralize the officers to a certain extent to see such vast rewards accrue from this trade, and from being constantly subjected to temptations by bribery to pass goods through and cotton back.

1421. Will you sum up your opinion of this whole trade business, in all its aspects, as it has been carried on, from your observation and from the testimony you have taken before your commission?

From my general observation during the war, and from the best testimony in the investigation of this subject at Norfolk, I am of the opinion that the continuance of this trade is merely to supply the rebel armies with subsistence; that it is of no earthly service to the United States, but of irreparable injury; that it does but very little if any good to the inhabitants within the sections the stores are established to supply, for it establishes a monopoly from which they are compelled to suffer, for by the regulations within this district, the people living about these stores were not permitted to go to the great source of supply at Norfolk to make purchases; and in addition to this, the effect I have spoken of it has had upon the military authorities.

1422. You referred, in a former portion of your testimony, to an abstract you might have, of articles shipped from Norfolk; have you that before you? If you have, please state in relation to it.

I have before me an abstract of a portion of the goods shipped in the month of December, 1864, to Elizabeth City, which place, it will be recollected, is from fourteen to twenty-eight miles outside our picket lines; among other things there were shipped to that point in the month of December, 110 barrels sugar; 110 sacks coffee; 230 sacks salt; 120 boxes candles; 70 boxes soap; 15 gross ground coffee; 3 barrels copperas; 3 cases hats; 5 casks dried fish; 10 kegs lard; 12 gross extract of coffee. These and other articles make up an abstract of the military permits granted during the month of December to go to a place fourteen miles or more outside our picket lines, and from which to the rebel lines there was no earthly obstacle to their passing.

1423. You have spoken of the statement of a Mr. Brooks in relation to this matter; can you state further in reference thereto?

Mr. Brooks was a lawyer who lived near Elizabeth City, and having been requested to state the opinion he had formed of the trade from Norfolk into his vicinity, he stated about as follows: "From information regarded by me as reliable, I believe that C. C. Poole has taken from Norfolk to Coan Jock, since his establishment of his business at that place, \$50,000 worth of goods, the leading articles being sugar, coffee, salt, and shoes; that besides these, other goods have been purchased in Norfolk, by other parties, and on being refused permits to take them beyond the lines, they were allowed to do so under the said permits granted to said Poole, by paying a bonus to Poole & Co. of 25 per cent. upon the invoice prices. The amount so taken, and the parties who took them, as near as I have ascertained, are as follows: W. W. Kennedy, at different times, \$12,000; Butt, or Gaskins & Butt, \$10,000; W. A. Harney, about \$30,000. The privilege so purchased by Harney

from Poole was not used by Harney to its fullest extent, but \$8,000 of the \$30,000 was sub-let by Harney to Pritchard and Keaton, or one of them. The greater part of the goods taken out by Poole were sold at Coan Jock by such persons as would pay to him the highest prices; that little or none of the salt has been carried west of the Chowan river; that much the largest portion of the sugar, coffee, and candles were carried west of the Chowan river by parties who either bartered for the goods cotton, or sold the cotton and purchased the goods, and that the same have been conveyed to the rebel lines or hospitals; that goods of other character have passed from this store west of the Chowan river, but the material part were designed for, or have been used for, the rebel army; that the goods purchased by Kennedy were taken to Elizabeth City, also those purchased by Harney & Butt, or Butt & Gaskins, and were sold or exchanged for cotton, and with nearly the same result as the sales made at Coan Jock. Much the largest portion of the articles suited for the use of an army, such as coffee, sugar, candles, and some shoes, were conveyed, by the persons so purchasing or bartering for them, within the confederate lines, and for the use of the army or hospitals. There is now, and has been for many years past, little or no cotton produced in the six counties east of Chowan river for export, and the quantity produced there the last three years has been extremely small, nor was there any surplus there at the beginning of that period.

"The effect of the business, as conducted for several months, is very decidedly prejudicial to the indigent and well-disposed citizens of the counties referred to, they being denied the privilege of marketing their supplies at Norfolk, or if not so, they are refused permission to take to their houses even the most scanty allowance for family supplies, upon the ground that the trade store was established for their convenience, and they must trade there; and when they apply to the trade store they are charged three times the price at which a like article can be purchased by retail in Norfolk, and are brought squarely in competition with those who purchase and convey directly beyond or within the confederate lines.

"The majority of the people of said counties who have remained at their houses since the rebellion are quiet and well-disposed towards the federal government, though they have suffered extremely in being inconvenienced and in the loss of property."

1424. What appears in regard to the quantity of salt which has been sent out to these stores?

Salt in enormous quantities appears to have passed into Norfolk from other domestic ports, and to have gone out of Norfolk down the canal. Large numbers of sacks have been seen on the canal banks at night which have disappeared in the morning. And, in fact, the abuse of this system of exporting supplies from Norfolk has been commented on by every intelligent, loyal citizen who has passed through this canal during the last year. I have prepared, from the line of steamers running from Baltimore, a list of goods shipped to the warehouse of Renshaw & Co. during one or two months of the fall of 1864, and among other things, under one date, the 12th November, I find 250 sacks of salt, 50 bags of coffee, 60 barrels merchandise, 3 bales merchandise, 16 hogsheads of sugar, 75 kegs merchandise, and 105 boxes sundries. On the 15th of November, I find 9 cases of dry goods; on the 16th, 57 cases of merchandise; on the 27th, 1 case of merchandise; on the 2d of December, 29 boxes and 40 barrels of merchandise; on the 3d, 60 boxes candles, 100 barrels flour, 11 cases merchandise, 50 boxes cheese, 200 sacks salt, 61 boxes merchandise, 40 barrels merchandise, 112 bags coffee; on the 5th, 160 sacks of salt, 60 barrels sugar; on the 6th, 100 bags of salt; on the 7th, 108 cases boots and shoes; on the 10th, 2 cases boots and shoes; on the 24th, 100 bags coffee; on the 27th, 120 barrels sugar, 10 boxes of axes; on the 29th, 100 boxes candles.

1425. How do you account for this very large amount of salt?

I think because it was greatly in demand, directly and indirectly, for rebel use.

1426. For what purpose?

Indirectly for salting meat intended for rebel use, and directly for exchange for cotton.

JAMES G. HOLLIDAY called, sworn, and examined.

By Mr. Washburne:

1427. What is your residence and business?

My residence is Portsmouth, Va.; I am an attorney-at-law.

1428. Have you at any time since the breaking out of the rebellion been engaged in trade with the rebellious States; if so, at what time, to what extent, and with what parties engaged?

I have been engaged only to the extent to which I have already testified before the military commission of which General Gordon is at the head. I have never consummated any matter of that nature, except that to which I have testified.

1429. Would the testimony that you have given before that commission be the same as that before this committee, if specially examined?

It would be the same.

1430. Are you willing to adopt the examination before the commission of which General Gordon is president as your evidence before this committee?

I am, as far as it goes.

1431. What additions do you desire to make to that testimony?

I desire to put myself right on the record. I should not have testified to anything that transpired beyond the federal lines had I not been apprised of the fact that my testimony would not be hurtful in consequence of testimony already given in. I may state, as explanatory to the testimony given before the commission, that when the steamer Philadelphia arrived in the Nottaway river a rebel guard was placed on board to prevent the steamer from landing, or any persons from going on board. I stated that this was a matter over which Mr. Lane had no control. He was to deliver cotton to individuals, but when she arrived there she was as much beyond his control as she is beyond the control of this committee. I will state further, that this guard was placed there for another purpose, as I understood that there was some feeling of indignation among the people within the lines in regard to this trade, and this guard was placed there to prevent injury to the boat or persons on board, as injury was threatened. I will say here, moreover, in further explanation, that Mr. Lane's contract was exclusively with citizens. I will also say that I have no hesitation in asserting my belief or my knowledge that the citizens with whom Mr. Lane contracted, outside of Mr. Lane and beyond his control, did furnish the cargo they received from him, or a portion of it, to the confederate authorities. I will add further, that I understood, from opinions currently expressed after the investigation at Old Point Comfort in reference to this matter, some months ago, as I understood it, especially as to the testimony of General Shepley on that occasion, that this traffic, if not indulged in by and between the two governments, was winked at by the two governments prior to the passage of the act of July relative to trade in insurrectionary districts. After that period of time I had supposed that the trade was not only rendered legal, but I had information that the government regarded cotton as the bank of the confederacy; that it was regarded as the true policy of the government to withdraw the cotton from the confederacy; if possible; and, as expressed by one person, that if all the cotton was withdrawn from the confederacy the "bottom was out of the tub." Believing, therefore, that this traffic was entirely legitimate, and that the government must have known in procuring cotton that that cotton must come from beyond our lines, I had no hesitation in engaging in the traffic, as I have heretofore stated, and I did engage with Mr. Lane. I do not remember to have examined his papers or seen them. I believe they were in conformity with the treasury regulations. I did believe, and do still believe, from his papers, that he was invested with authority or license to trade up the Chowan river, and I am not sure that its tributaries were not also expressed. From these circumstances I had no hesitation in engaging in the matter, and I am frank to say I was laying the foundations to enter into it on an extensive scale. I was endeavoring to so arrange the matter that cotton could be obtained with money, and not supplies; of course, pecuniary interest was at the bottom of it.

1432. I understand from the testimony which you have given before the commission, that you are engaged in this transaction with Mr. Lane. Do you know whether or not Mr. Lane has testified before this military commission?

I have heard that he had. He told me so.

1433. Have you had any conversation with him?

I have conversed with Mr. Lane. I have felt it my duty to do so before testifying here; for, believing that he is right, I will not voluntarily do anything against him.

1434. How recently have you talked with him?

I think I talked with him the afternoon after he was examined before the commission.

1435. Have you talked with him since that time?

I talked with him yesterday morning. I had a private conversation with him.

1436. With what view was this private conversation with Mr. Lane yesterday morning? Our meeting was purely accidental.

1437. Did you have that conversation with the view of a further examination in reference to this matter?

Certainly; I desired if I could properly state facts favorable to Mr. Lane, to do so. I understood from General Gordon that I would be examined again, and I deemed it my duty to state facts that would be favorable to Mr. Lane.

1438. You say you understood what was the policy at Washington in respect to this trade. How did you understand that?

I have heard that the Secretary of the Treasury and Secretary of State, if not other members of the cabinet, had expressed their opinion that it was the true policy of the government to withdraw the cotton from the confederacy; cotton being the great consideration which gave them weight with other nations.

By Mr. Perry:

1439. Could cotton be obtained there in large quantities without its being exchanged for goods?

In my judgment, it could.

By Mr. Washburne:

What were the considerations which induced Mr. Lane to take you in with him in this trade operation?

I think the object was, on his part, to obtain some one to go through the lines.

1440. For what reason did he select you as that person?

I do not know that I can tell you that.

1441. Had you a large acquaintance in the rebel lines?

I have quite an extensive acquaintance there.

1442. Was that one of the reasons?

I presume that it was. I had been there before, of which fact, I presume, Mr. Lane had been apprised.

1443. Did you go through the rebel lines?

Of course I did. I would state here a fact which is explanatory perhaps of another matter. Of course the committee will understand that I went on passes to Suffolk.

1444. Are there any other facts in regard to this matter which you desire to lay before the committee?

I do not know that there are.

1445. Did you have any difficulty in going through the rebel lines on this business for Lane?

I found none at all.

1446. Do you know of any difficulty in anybody passing from Norfolk into the rebel lines and back again?

At this moment I cannot recollect any difficulty.

1447. Could a man go from here to Richmond and back again without meeting any difficulty?

I do not know about that. I applied to General Shepley to get a pass to go to Suffolk, and he wanted to know my business. I had just engaged with Mr. Lane, and I did not know to what extent I ought to divulge my business to General Shepley. I told him I did not like to state my business. He remarked, "Mr. Holliday, that is a privilege we do not grant to our own officers, unless we know their business." I remarked, in general terms, that I was going as the agent of Mr. Lane. "Ah," said he, "Mr. Lane has a permit to get cotton. Now you are coming to the point. What particular matters do you wish to go there about?" Still feeling some delicacy in going into particulars about Mr. Lane's business, I asked leave to withdraw my application until I could consult with Mr. Lane. Mr. Lane told me to talk with the general freely. I afterwards asked for a pass from General Shepley on my own business, and he refused, but subsequently Mr. Lane obtained it for me.

By Mr. Perry:

1448. Have you been in Richmond since the breaking out of the rebellion?

I have not. I have been to Weldon, and I came very near getting into serious difficulty going there.

The testimony of witness, taken before the military commission referred to, and adopted by him as a part of his testimony before the committee, is as follows:

"Mr. HOLLIDAY was duly sworn by the recorder, and testified:

"Questions by General Gordon:

"Question. State your full name, residence, and occupation.

"Answer. James Gustavus Holliday, Portsmouth, Va.; attorney-at-law.

"Question. Do you know Geo. W. Lane?

"Answer. I do.

"Question. Have you had any business transactions with him within the last three or four months?

"Answer. I have.

"Question. State as fully as possible all the transactions.

"Answer. I engaged with Mr. Lane as his agent. I understood that he had the necessary papers to procure cotton, and that he enjoyed some immunities perhaps under the act of Congress, in consequence of a contract which he had made for the supply of cotton. I engaged as his agent to assist in procuring the cotton, originally at five cents per pound for such cotton as I should furnish under the contract referred to, the understanding being that a power of attorney was to be furnished me from that party. The arrangement was

subsequently, so far as the commission was concerned, valid. Other parties were interested with me in this contract between Lane and myself, so that we shared the five per cent. instead of my receiving it. Mr. Hurst, and, I believe, Mr. Carr, (of Deep Creek,) were concerned in the five per cent. I understood from Lane that his permission was fully complete. I engaged with Lane and partially succeeded in procuring the cotton.

"Question. Tell how you procured it—where, of whom, and when.

"[Under the assurance of the commission that he should be personally secure from any liability on account of the testimony he might give, on the condition that he honestly testified, the witness proceeded as follows :]

"Answer. I saw parties over across the lines. I saw various parties. But the contract for delivering the cotton was made with Mr. Thomas J. Corprew.

"Question. What is his relation to the rebel government?

"Answer. He may have been a contractor.

"Question. He has been in the rebel army, has he not?

"Answer. He was at the time of the evacuation of this place a lieutenant colonel.

"Question. State what the bargain was.

"Answer. Corprew, partly assisted by a friend across the lines, agreed to furnish the cotton, and I, as Lane's agent, or Lane himself, agreed to furnish certain articles upon a schedule of prices fixed.

"Question. Give the articles and the rates.

"Answer. I am too fast. I will say this, that there was a schedule of prices. Mr. Lane did deliver them. I was partly interested in the five per cent, and partly in the profits on the other side. The schedule of prices allowed me a profit. Under the arrangements made there were to be carried out molasses, sugar, coffee, and candles.

"Question. And boots and hats?

"Answer. Not to my knowledge; I did not go with Mr. Lane, and did not examine his cargo.

"Question. Then how did you know they were delivered?

"Answer. I understood they were delivered, and in fact I know. I saw them partly delivered; I stood where I could see.

"Question. Where?

"Answer. Within the rebel lines on the Nottaway river.

"Question. Were you there at the time Lane was delivering his cargo?

"Answer. I was.

"Question. And seeing that the cotton came down for the goods?

"Answer. I was.

"Question. In conformity with the bargain previously made by you?

"Answer. Yes.

"Question. Were any rebel soldiers about there at the time taking charge of the goods?

"Answer. There were rebel soldiers there, certainly.

"Question. Didn't Captain White take charge of the operation?

"Answer. Understand me. Mr. Corprew, a private individual, had charge of the goods. I don't think he acted under any contract, but was a sort of intermediary.

"Question. Did you see Captain White?

"Answer. I did.

"Question. Did you talk with him?

"Answer. I did.

"Question. Didn't you understand from White that those goods were to go to the rebel government?

"Answer. I did.

"Question. Was not the cotton the cotton of the rebel government?

"Answer. The cotton was under the control of the government; it belonged to the government, in short; that was my impression.

"Question. Was it not marked "C. S.?"

"Answer. No.

"Question. Do you not know perfectly well that there is an arrangement they make with parties the other side of the lines, so that you can go across and exchange goods for cotton upon a schedule of prices—cotton for northern goods?

"Answer. I don't know about that; I have no doubt in the world that any articles of production or manufacture, within the rebel States, can be obtained for certain other articles within the lines of the United States forces.

"Question. Did Lane pay any money for this cotton that he got, or was it all paid for in goods?

"Answer. He paid money for a part of the cotton.

"Question. How much?

"Answer. I cannot tell.

"Question. How much cotton was furnished Lane?

"Answer. 1,116 pounds.

"Question. Did not you hear there was more cotton he expected to have, but did not bring goods enough?

"Answer. I didn't hear that.

"Question. Did you make any bargain for a certain number of bales of cotton to be delivered to Lane, for a certain amount of goods?

"Answer. No. There was no definite number of bales until I notified Corprew, so that the cotton might be here; until that, he did not know what the cargo would consist of.

"Question. How long was it, after you notified, before Lane got there?

"Answer. About a week.

"Question. Then you did notify him what the articles were?

"Answer. Yes. I wish to correct my testimony in one particular: I stated that I had no knowledge with regard to boots or shoes or hats, but I did know that the list which I carried out, to show what amount of cotton would be required for the goods intended, mentioned 100 barrels of sugar, 100 barrels of molasses or sirup, 100 boxes of candles, 100 sacks of coffee; I think 500 pairs of shoes, and, if I am not mistaken, 94 pairs of boots, 54 ploughs, as I recollect, and plough castings. The boots and shoes were not under this contract; the shoes were a private matter between Mr. Corprew and Mr. Lane. I believe that money, and not cotton, was paid for those articles; that is my impression. I was across there; I had a portion of the goods removed and a portion of the cotton put on, but I have never been engaged in trade at all. When I got there I found there was an arrangement of which I had previously no knowledge. I remember seeing a bill of goods for shoes not on this list. Mr. Hurst claimed that he purchased these shoes under a contract with Corprew, Corprew to pay him, as well as my recollection serves me, in money, forty per cent. of the purchase-money. How Mr. Hurst and Lane settled that matter I am entirely ignorant. Lane claimed the shoes as his, and Hurst claimed them as his.

"In answer to a question as to what was to be delivered to Lane by the contract, the witness states that on the list he carried with him to Mr. Corprew to have the cotton prepared to be exchanged was a quantity of boots and shoes; that he understood those boots and shoes were the property of Mr. Hurst, who had put them into Lane's cargo that they might be delivered according to a contract, as he supposed, previously made with Corprew. He did not know that Lane himself was interested, and does not know how it was settled, but he thinks money was paid for the boots and shoes.

"Question. About what was the value of these boots and shoes?

"Answer. I don't know.

"Question. Do you know that the articles carried out were the articles permitted to be carried out by the President's letter?

"Answer. I never saw that letter.

"Question. Were they those permitted to be carried out by the treasury agent?

"Answer. I cannot tell; I never saw Lane's papers.

"Question. Then you trusted to Lane's statement?

"Answer. Yes.

"Question. Do you think Lane got any cotton at that trip other than he exchanged for goods?

"Answer. I do.

"Question. How much?

"Answer. I think if he got two hundred and fifty-five bales in all, he got about forty of that for money.

"Question. Have you ever made any other arrangement of this description for other parties from Norfolk before or since?

"Answer. No.

"Question. Your interest is with that party?

"Answer. Lane has not settled with me.

"Question. You are interested in that cargo on board the Philadelphia?

"Answer. I am interested in the payment as agreed with Lane. I was to share with Hurst on the five per cent.

"Question. Were you interested in the boots and shoes?

"Answer. No.

"Question. Did you go on board the boat while there?

"Answer. I did, repeatedly.

"Question. Did you see Captain White there?

"Answer. I did.

"Question. Did you talk with him

"Answer. Yes.

"Question. Was he interested in this exchange?

"Answer. Not at all, that I am aware of.

"Question. What did he come on board for?

"Answer. Well, it would be hard to tell.

"Question. Did he drink there?

"Answer. White was on board repeatedly. He drank on board repeatedly ; and there were other officers there also.

"Question. The officers and agents of the rebel government could come on board at will?

"Answer. The payment was to Mr. Corprew ; but whether White had any instrumentality or not, I do not know. The rebel agents could come on board at will. A guard stood to keep persons from coming aboard.

"Question. Then it was by order of the rebel authorities? They would have seized the boat if it had not been for their advantage not to?

"Answer. I think they would."

Mr. THOMAS J. HOBDAY called, sworn, and examined.

By Mr. Washburne :

1449. State how many times a month, since November last, you have passed through the rebel lines.

I think I have been through seven or eight times

1450. State whether you found any difficulty in getting into their lines after you left ours.

There are rebel guards stationed along the lines to look after refugees and deserters. I have been "gobbled up" several times by the rebel guards.

1451. And then they let you go back again?

Yes, sir.

Do you know G. W. Lane?

I saw him once. The only time I ever saw him.

1452. State what you know about his delivering a cargo of goods, and receiving a cargo of cotton, at Murfrees' depot, or near there?

There was a cargo landed there, I believe, in the early part of this year, or the latter part of last year. It consisted of salt, sugar, coffee, molasses, boots and shoes, &c.

1453. Who took those goods?

A man by the name of Corprew.

1454. Had Corprew been in the rebel service?

I believe he has been a colonel in the rebel army.

1455. Did you ever hear that he was a contractor for the rebel government?

There were three or four who I heard were contractors, and he was one.

1456. Have you any doubt that this cargo went to the rebel government?

I have no doubt that a part did ; but I know some things did not.

1457. What did Lane get for this cargo?

I suppose he got cotton ; I understood he exchanged the cargo for cotton.

1458. Did you see the cotton on the way down?

No.

1459. Do you know Captain White?

Yes.

1460. Is he a rebel commissary?

I have heard that he is.

1461. Did he act as a rebel commissary?

The trade is done in this way : There are a few men they call contractors for the rebels ; they contract with outside parties for goods coming this way, and deliver them to Captain White.

1462. Then I understand you that certain rebels would contract to purchase goods, for instance of Lane, to be delivered on the Philadelphia, and when delivered they would hand them over to White, who was the rebel commissary at Murfrees' depot?

That is what I understand.

1463. Do I understand you further to say that you saw the cargo of the Philadelphia disposed of in that way?

I saw a lot of goods they said came out of the Philadelphia.

1464. Could they have got there in any other way except from this vessel?

I do not know of any other way.

1465. Have you any doubt about it?

I have not.

1466. What took place there between the various parties about the time this transaction was taking place?

I was only there about an hour or two.

1467. What did you see?

I saw Corprew taking some marks of molasses barrels.

1468. Who did you see from the Union side?

I did not see any one.

1469. Did you have any conversation with Colonel Corprew?

No, sir.

1470. Did you have any conversation with anybody there?

I had a conversation with Mr. Pretlow, a farmer there.

1471. What was the nature of the conversation between him and yourself?

It was a general conversation in reference to this matter. I testified in reference to it before the military commission.

1472. Have you testified fully in relation to these matters before the military commission now sitting in Norfolk, of which General Gordon is president?

Yes, sir.

1473. Will you make the testimony which you gave before that commission a part before this committee?

Yes, sir.

The testimony of the witness before the military commission referred to is as follows:

“Questions by General Gordon:

“Question. Tell me what offers you ever made to rebel agents, or any parties west of the Chowan river, to exchange northern goods for southern cotton.

“Answer. What do you mean by rebel agents?

“Question. Such men as Captain White.

“Answer. I never heard of any offers which he made.

“Question. Who has made offers?

“Answer. Some parties over there.

“Question. Who?

“Answer. Mr. Corprew, who was a lieutenant colonel in the confederate army. I believe he proposed to give so much cotton for so much bacon—a pound for a pound. They proposed to receive coffee; I think three pounds of cotton for a pound of coffee. They proposed to take sugar, a pound for a pound; molasses, three pounds of cotton for a gallon. I don't know anything about salt, nor hats, nor boots, nor shoes.

“Question. Did Colonel Corprew tell you this?

“Answer. No.

“Question. Did anybody, man, woman or child, tell you this?

“Answer. Yes.

“Question. Who?

“Answer. A man by the name of Wootton.

“Question. What connexion has he with the rebel army?

“Answer. I don't think he has been in the rebel army.

“Question. Is he detailed by the rebel government?

“Answer. I have heard so.

“Question. Do you believe it?

“Answer. I suppose I might believe a thing I have heard.

“Question. Don't they make this statement as if it was a fact?

“Answer. Mr. Wootton showed me a piece of paper that this was the way they traded.

“Question. Whom did he mean by “they”?

“Answer. He meant himself.

“Question. Did he own that cotton?

“Answer. I don't know.

“Question. What do you think?

“Answer. I am pretty well satisfied he did not own the cotton.

“Question. Did the rebel government own it?

“Answer. I don't know.

“Question. What is your opinion?

“Answer. I think they did.

“Question. It is your opinion that he represented the rebel government?

“Answer. I don't know.

“Question. What do you think?

“Answer. I think it is probable the cotton was in possession of the rebel government.

“Question. That he was an agent?

“Answer. I think it is probable that he was connected with the government in some way. I think it is probable he is an agent.

“Question. How much cotton did you ever see exchanged there?

“Answer. Not much more than ten or fifteen bales at a time.

- "Question. How much within the last three months?
- "Answer. I don't suppose I have seen a hundred bales altogether.
- "Question. What is your opinion about any amount of cotton being got that people may want?
- "Answer. My opinion is, they can supply any reasonable demand.
- "Question. What is your opinion about this colonel, private, and White being put there expressly for the purpose of making exchanges of cotton for northern goods—hats, caps, percussion caps, coffee, or anything they can get?
- "Answer. I think it is probable Mr. Wootton is there for that purpose.
- "Question. What do you think about the colonel?
- "Answer. I think it is probable he is placed there for the same purpose.
- "Question. What do you think about White's being there to take the stores that came in and ship them to Richmond?
- "Answer. I think it is probable that he is; that is my opinion.
- "Question. Why do you think all this?
- "Answer. I have no reason, only I have heard such things were being done.
- "Question. Did they tell you they would do it?
- "Answer. Mr. Wootton told me so.
- "Question. Then didn't you think it because he told you so?
- "Answer. Yes.
- "The witness stated that he thinks so because he heard it from a man whom he thinks to be an agent from the rebel government.
- "Question. Now tell what you think about Lane's going up there to exchange goods for cotton?
- "Answer. I reckon he did it.
- "Question. What do you think about the rebels refusing to give him any more because he hadn't any more goods?
- "Answer. My impression is that Lane got the quantity agreed upon, and that he had goods to pay for.
- "Question. What is your impression about whether he paid any money?
- "Answer. I have no impression at all about it.
- "Question. What do you think about it?
- "Answer. I don't think anything at all. I never heard that any money passed.
- "Question. Tell me what you think about their hauling more cotton than he could pay for, and then hauling it back again?
- "Answer. I never thought of it. The first time I went up the impression I had was that Lane was to bring goods enough to take five hundred bales; but when he went there I understood he had goods enough to take two hundred and fifty or two hundred and fifty-five bales.
- "Question. Then your impression was that he could not take the five hundred bales?
- "Answer. I heard such a thing; probably I might have heard it on the other side of the river. I have heard it somewhere, I know.
- "Question. What is your impression as to where you heard it?
- "Answer. I might have heard it.
- "The witness states that the statement made by Mr. Daniels, to which Mr. Daniels testified, is correct.
- "Question. What is your impression that any amount of goods at the rates of exchange you have enumerated can be traded up the Chowan river, on its right bank, for cotton, and what authority have you to so represent it to the people of Norfolk?
- "Answer. I think it can be done, and I think so because Mr. Wootton said so.
- "Question. Now, what do you think about that being part of your business to make such representations and to get partly paid for it?
- "Answer. I never had any offer of the kind.
- "Question. Have you made any money that way?
- "Answer. No.
- "Question. Have you had any offers made to you by others to help them in making that exchange?
- "Answer. No.
- "Question. Have you had any talk with anybody for their influence?
- "Answer. I said to Mr. Daniels if he could get a permit to carry goods up there the arrangement could be made to exchange goods for cotton in any quantity.
- "Question. Who else have you told so?
- "Answer. A man by the name of Armstrong.
- "Question. Did you tell Daniels that \$25,000 would not be a circumstance in this exchange; that \$100,000 would not be much; that there was any quantity of cotton that could be had?

"Answer. I might have told him that ; I think it is very likely.

"Question. Will you swear that you did not?

"Answer. No.

"Question. Will you swear you did?

"Answer. If Daniels said I told him so I will swear to it. Yes, I do swear to it.

"Question. Are you a man of property?

"Answer. No ; not a great deal.

"Question. How much?

"Answer. I am interested in a piece of land?

"Question. Are you worth five dollars?

"Answer. Yes.

"Question. Are you worth \$5,000?

"Answer. About \$5,000.

"Question. Have you had the privilege of going and coming at all between the rebel authorities and ours without disturbance or molestation anywhere?

"Answer. Not at will. I have had the privilege when ladies wished to go, and they procured a pass.

"Question. Has there been any obstacle to your going?

"Answer. I have never gone without a pass.

"Question. Cannot you go at will? Cannot you get a pass when you want it, and haven't you gone out without ladies?

"Answer. I have never gone without a pass to carry out ladies.

"Question. Who asked you for the pass?

"Answer. The ladies I carried out. I have had a pass as a driver.

"Question. I put the question once more distinctly, so that you may answer it, whether you have not been permitted to go at will into the rebel lines to make arrangements with rebel persons and authorities to exchange cotton for northern goods and other purposes of profit to people on both sides?

"At last, in answer to the question, the witness says as follows :

"I have been permitted to go at will into the rebel lines, and I have been requested by their agents to make arrangements with persons on this side to exchange northern goods for cotton at the rates I have expressed.

"Question. Who permitted you to go into the rebel lines?

"Answer. There is a standing order that parties with refugees may have permission to go there.

"Question. Have you ever been except with refugees?

"Answer. No.

"Question. Are you sure?

"Answer. I am.

"Question. Do they go expressly to make this arrangement?

"Answer. I went for the money they paid for carrying them.

"Question. Did you ever go with the same woman more than once?

"Answer. No.

"Question. Did you ever go expressly to see the rebel agents about this exchange?

"Answer. No.

"Question. But you found it very convenient to talk about it?

"Answer. Yes.

"Question. What do you mean by saying that you always had a permit?

"Answer. I mean they don't object to parties going there with refugees.

"Question. Do you mean that there is a standing order, and that is a permit?

"Answer. Yes.

"Question. How many times have you been through the rebel lines since the 1st of February?

"Answer. Once. I came in last Monday.

"Question. What for?

"Answer. To carry some ladies.

"Question. How many.

"Answer. Two.

"Question. Can they go when they have a mind to into the rebel lines?

"Answer. I have never known them to stop one.

"Question. Then, whenever a lady says she wishes to go, you can take her?

"Answer. No ; whenever a lady gets a pass, I can drive for her.

"Question. Did you see any of these rebel men when there the last time?

"Answer. No ; Mr. Wootton was not there. I stopped with a man by the name of Pretlow.

"Question. How many times in January?

"Answer. Three or four times.

"Question. How many times in December?

"Answer. I think I went twice.

"FEBRUARY 13, 1865.

"Examination resumed.

"Mr. Hobday, of Portsmouth, was further examined, and made the following statement in relation to the trade from Portsmouth and Norfolk across the Chowan river, in exchange for cotton:

"STATEMENT.

"I have seen passing over the Blackwater river goods in carts, and I have seen cotton coming this side of the river. It was understood generally that a great many goods came from Elizabeth City, and a great many from the trade shores. When I have been out I have always met carts, more or less, going and coming with cotton. I understood that some of the carts came across the river and went to Elizabeth City. I heard so; I understood there was a good deal of trade going on between Elizabeth City and Murfrees' depot. I think I have seen these carts, as many as seven or eight times all together, within three or four months, quite a number of carts each time. I have talked with a great many people about the matter, and they all say there is a great deal of trade between Elizabeth City and Murfrees' depot. I had no interest in the trade, though I expected one. Mr. Wootton told me if I could get some party to give a pass to bring out cotton and carry goods there could be a good trade in this way. I spoke to Mr. Daniels about it; I had no interest in the matter; I have seen a man by the name of Harney, who had some carts carrying goods, and had some captured. I think a great many goods came over from Norfolk for cotton; I supposed our government authorized it by seeing so many goods go out. These goods began to go over there in November, I think; that was the first time I ever saw any goods on the other side of the river. Sometimes I have met as many as six carts going; they were at the ferry; I think they would average about six or seven carts in a day. I think it is likely they go every day. A great many carry fresh pork, and I have seen hogs going over, and salted pork. They sell their hogs for cotton, with which they buy goods and stores, and with these goods and stores they buy more cotton, which they bring in and exchange for other stores. I don't know half a dozen people on the Blackwater; I have lived in Portsmouth all my life."

JOHN T. DANIELS called, sworn, and examined.

By Mr. Washburne:

1474. Where is your residence?

At Norfolk, Virginia.

1475. How long have you resided here?

I have resided here in the vicinity of two years.

1476. What is your business?

I am now a farmer; I have been a merchant in Norfolk.

1477. What has been the character of your business?

Our business was lumber, coal, groceries, and liquors.

1478. What was your firm?

Zantzinger & Co.

1479. Who were your partners?

Frank Zantzinger and myself.

1480. Have you been engaged in trade in the rebellious States since the breaking out of the rebellion; if so, at what time, to what extent, and where?

I never sold any goods to any one living in an insurrectionary district, except in the neighborhood of Norfolk.

1481. Do you know anything in regard to that trade?

I know something in regard to it.

1482. Have you testified in relation to the case of Lane?

Yes, sir; I gave a statement to Mr. Spear, and I sent a statement to Hon. James Brooks, M. C., which statement I think was sent back here by the Committee on the Conduct of the War.

1483. Do I understand you to say that the knowledge you have is connected with the affair of G. W. Lane?

Yes; I have given that my particular attention.

1483. Will you state what you know in relation to it?

In the latter part of the year 1864 Mr. Lane invited me on board of his steamer, and inquired of me if I desired to go into business where I could make money. I told him that I was doing nothing, and if there was a business I could go into where I could make money without any risk I would go into it. He then said, I will show you what I have. He pulled out of his pocket a paper, and I read it. It stated in substance that G. W. Lane was a person entitled to the confidence of the government, to be allowed to carry into North Carolina, and sell to the citizens thereof, cordage, chains, agricultural implements, &c., to be exchanged for cotton, tobacco, and naval stores, and to be allowed to ship said articles to any northern port. He then went on to say that that recommendation was signed by General Butler and approved by Mr. Lincoln.

1484. Do you recognize what I now hand you, (recommendation of General Butler, indorsed by the President, copied into the testimony of John W. Hogg, question No. 12,) as the paper to which you refer?

Yes; Mr. Lane showed me this privilege he had, and wanted me to visit the enemy's lines and buy cotton for him as his agent. He told me he would give five cents a pound for all I could buy, and that he would give me protection within the rebel lines.

1485. How did he say he would give you protection?

He said he would give me a letter to Mr. White, on the rebel side, who was stationed at Murfrees' depot. He said he would buy cotton and give sterling exchange for it, if necessary, and he showed me sterling exchange to the amount of £18,000. He said that he had the means of taking 500 bales a week. He did not consider his permit worth anything specially, because he did not propose to carry out but few goods. He expected to pay sterling mostly for his cotton. I told him I did not like to go beyond the lines, and referred him to another party whom I thought he could get to go. He applied to that party, and offered him five cents a pound, but he refused to go.

1486. Who was the other party?

J. H. Dobson. Some time had elapsed, and I saw Mr. Hobday. He called on me and asked if I knew Lane. I said "Yes." He said he had been requested to inquire respecting the responsibility or reliability of Lane to carry out a contract he had entered into with White & Wootten. I told him that Lane was down on board his steamer at the wharf. He asked me if I knew anything about the contract. I told him I did not; that I knew Lane had a permit from the President to carry out certain things; that I did not know whether he would use it or not. A day or two after I saw goods going down to the steamer, and in company with Mr. Jones I went down, and saw going on board coffee, salt, and sugar, in large quantities.

1487. What was the name of the steamer?

The Philadelphia. He told me she would carry 500 bales of cotton. We were there in the afternoon, and I think probably she sailed in the morning. Four or five days after that I met Mr. Hobday. He said he had come from headquarters. I asked him if Lane had arrived. He said, "Yes, all right; he had received his cotton." I asked him how many bales he had, and he replied 255 or 257; that he had not goods enough to pay for all the cotton, and that they had to carry a number of bales back, but that he had arrived safely, and would sail in due time.

1488. What did Hobday tell you about matters up there?

He told me he had been instructed by the parties up there, who were agents of the rebel government, stationed at Murfrees', to say to any one who could get a like permit, that they were prepared to exchange any amount of cotton for goods. He showed me a partial schedule of prices. I recollect it was three pounds of cotton for a pound of coffee, or for a gallon of molasses. He said if I would get a permit he would give me a full schedule of all the classes of goods they wanted.

1489. Who did he say he saw when he was through there?

He saw the rebel agents.

1490. What names of rebel agents did he mention?

Major J. R. White, of the rebel service, and a man by the name of Wootten, formerly from Portsmouth, who was stationed here.

1491. What became of the expedition?

The steamer is now at Roanoke island, as I understand, under seizure by the naval authorities. I felt very cautious about going into the business. General Butler being interested, as I thought, in the contract, I presumed would send me out of the department; and my interests being all here, I did not desire to go.

1492. Why did you believe that General Butler was interested in the venture?

I understood Mr. Holiday, Lane's agent, so; and I learned afterwards that he was interested in all these privileged stores. Captain Johnston, late adjutant general here, was charged some time ago with being connected with other parties in these stores, and with illicit trading. He offered his resignation, and General Butler accepted it. Captain Johnston told me that General Butler would not do otherwise than accept it, for that he was in-

terested in all these ermits. I few nights ago he came to see me at my house, and told me that he had been before this military commission, but that he had not told them all he knew, as he thought they amounted to nothing; that he thought they could not take cognizance of the matter, as what was done was by General Butler's order; but that if he could come before a congressional committee he would show that General Butler was a partner in all these transactions, and that he was represented in them by John Sanborn.

1493. What was Johnston's position in the army?

He was adjutant general to General Shepley. He was charged with being connected with these parties, and just after the investigation at Fortress Monroe the officers told me that he was forced to offer his resignation, or he would have been punished. His resignation was recommended by General Butler. He afterwards told me that General Butler had given him authority as special agent to superintend these trade stores around this district. I am satisfied he was interested in them, because he was a partner in the concern of C. C. Poole. He told me he was a partner in Lane's transaction, and that he had an interest with another party at Elizabeth City.

1494. Did he say how much money he had made?

He did not tell me. He said that John Sanborn represented General Butler's interest, and that Hildreth was also interested with Lane.

1495. Who is John Sanborn?

He has something, I think, to do at Fort Monroe. Johnston said the goods were furnished by Nicholas & Co. and Farrington.

1496. Where is Farrington from?

I think he lived somewhere in Massachusetts before he came here; he was General Butler's special agent.

1497. How much trade do you know of being carried on under that permit?

I think two or three hundred bales of cotton were brought in here under it.

By Mr. Perry:

1498. Were you acquainted with Hildreth?

No, I hardly knew him.

1499. Did you ever see him on board the Philadelphia?

I did not.

1500. Have you knowledge of his being connected in this business with Lane?

I recollect now that I have seen him on board the Philadelphia. I went on board one day and Lane said to me, "I cannot see you now; I have business with my partner." He was then talking with Hildreth.

1501. Did he say who his other partners were?

No, I do not know who they were, except that Johnston told me that he had one-tenth, and that Sanborn had—I forget the proportion, but a pretty large interest.

1503. This permit of which you have spoken, which was approved by the President, authorized the carrying out of harrows, ploughs, trace-chains, rope, twine, and things of that kind; did you see any of these articles shipped?

No, I did not see anything of that kind going on board.

1504. What did you see going on board?

I saw coffee and molasses in large quantities; I suppose there must have been not less than 200 sacks of coffee. There were some four or five carts or drays hauling molasses, sugar, and articles of that kind, all day. I did not see any salt myself, but they told me there was salt aboard.

1505. Was there any pork, that you know of, that went on board?

No, sir; not that I know. They had boots and shoes and hats, and they told me they had some little pork and bacon both.

1506. Was there any person connected with the government about the boat, to see what was going on board?

No, sir.

1507. Did there seem to be any restraint whatever?

None whatever; I was there myself, and with W. R. Jones sat down on the wharf for two hours, to see what was going on.

1508. Did it attract your attention, or arouse your suspicion?

I merely wanted to see whether everything that went on board were ploughs, chains, harrows, &c.

1509. Did you ever have any conversation with Mr. Lane about the kind of goods he intended to ship?

He said that if he could not get anything through in the shape of provisions, he would give them that for their cotton, showing sterling exchange to the amount of 18,000 pounds; he said that was what they wanted.

1510. In his conversation with you, did he speak of arrangements he had with rebel agents?

Yes; he said everything was all right, and that he would give me a letter to Major White if I would go out.

1511. Did he say he had seen Major White?

He did not say he had, but I presumed that he had from the fact that he said everything was all right.

1511. Then you understood that he intended to use this permit of the President as a cover under which his vessel could pass, and that he intended to load her with whatever he pleased?

Yes; he said that if he could not carry what they wanted, he would carry sterling bills, and that he had the means to bring out 500 bales a week.

1512. How much means would it take to bring 500 bales?

I do not know. He said there were parties through whom he could raise any amount of money.

1513. Did he say anything about government requiring one-fourth of his cotton?

No; he had the privilege of shipping the cotton without paying the 25 per cent.; he only had to pay the internal revenue tax of six cents a pound.

1514. What date was this?

Some time in the latter part of October.

1515. By what means did he propose to avoid the payment of 25 per cent. to the government?

Under a permit to send it to a northern port through Smith & Co. Preston, another party, will testify that he paid Hildreth \$7,000 for shipping a lot of cotton that he had. Hobday told me that if I would get a permit, everything was all right. He said other parties were doing it; that while he sat in Major White's tent six carts drove up with coffee, which they brought from Elizabeth City, and that they were preparing their wagons to go after another load.

1516. How much did the trade amount to which was actually carried on under this permit?

I can only state a general estimate, that they shipped through R. R. Smith & Co. between two and three hundred bales.

1517. Has that been the whole extent of the trade?

O no; that is all I know in respect to the transaction of one person.

1518. Have you any idea how much trade Lane and his partners have actually carried on under that permit?

I have not; I only think they have done a large business. I think they have shipped 1,000 or 1,500 bales. My impression has frequently been attracted by wagons going up the street loaded with cotton.

1519. Did you ever have any other evidence that Hildreth was a partner of Lane except the remark he made to you on the Philadelphia?

It was the common street talk about Norfolk that Hildreth was General Butler's brother-in-law, and that he had things his own way.

1520. What led you to conclude that General Butler was a partner in these transactions?

His manner, and his allowing certain persons to monopolize this entire branch of trade.

By Mr. Washburne:

1521. From your knowledge of the transactions which have been carried on with the people of the rebel States, what, in your judgment, has the entire trade from Norfolk amounted to within the last six months?

For the month of December I feel satisfied there must have been \$1,500,000 worth of goods sent out. They have carried them up there night and day. Barges loaded with provisions have been continually going out, and it is reported that the rebels sent their boats down Chowan river, and just took them off.

G. W. SINGLETON called, sworn, and examined.

By Mr. Washburne:

1522. State your residence.

My former residence was Suffolk. Since the evacuation of Suffolk by the federal forces I came down here, and have been living here since that time.

1523. Have you been trading with the rebellious States since that time?

No, sir; after I came down here, when a civil government was organized, I was appointed city collector. Since General Butler's order, stopping the civil government, I have been doing nothing. At a time when special permits were given for liquor licenses, I obtained one, but when I went down to Fortress Monroe, they stated it was not intended that I

should have such a permit, and took my license from me. I went to see General Butler about it, but he gave me no satisfaction.

1525. What knowledge have you in respect to trade transactions with Mr. Lane?

I have very little knowledge about that; I could have had some knowledge had I known that any investigation would be made about the stoppage of these trade stores. All the information I have now is from hearsay; I have had no transactions with them, directly or indirectly. Mr. Hurst proposed to me to engage with him in trade, under one of these permits, and I told him I believed I would do so. I got on my horse to go up through Currituck, and other counties, in North Carolina; I went as far as South Mills. I had understood General Shepley to say there could be no trade stores established beyond the picket lines, but when I got to South Mills I found I was beyond the pickets, and so I kept on as far as Elizabeth City. I saw that stores were doing business there, but from the statement General Shepley made to me, I declined to have anything to do with the matter.

1526. Did you find a good many trade stores about there?

Two that had been at South Mills were removed to some other place; there was one kept there by a Mr. Abbott. When I got to Elizabeth City, I found there were two stores there.

1527. What forces had possession of Elizabeth City?

It did not seem to be in possession of any forces; either side could come in as they chose.

1528. Were they large stores?

Yes.

1529. What were the articles kept in them?

Dry goods and groceries. I recollect the day I was there a steamboat came loaded with goods. One store was kept by a man by the name of Harney, and another by a Mr. Clark, who had just got in a lot of goods. I stopped there all night; I did not go into Clark's store at all. A gunboat came there, and 47 bales of cotton were rolled out of Harney's store and placed on board.

1530. Could the rebels trade at these stores at Elizabeth City?

O yes; I believe there were eight or nine carts came in the next day with cotton. There was a plenty of cotton there.

1531. Where did these carts bring cotton from?

They brought it from Edenton.

1532. What articles were taken back in return for the cotton?

Sugar, coffee, and such articles.

1533. Where did these articles go to?

I do not know; these men brought the cotton and carried back goods.

1534. Did you see any rebel soldiers during the expedition; and if so, how many?

I saw a good many on their way back to the army; some of them had been home on furlough, I understood.

By Mr. Perry:

1535. Were any rebel soldiers guarding property there?

No; I saw no rebel soldiers guarding anything there. When I went on there, I saw two soldiers at South Mills; I was introduced to one of them; I knew his father here, though I was not acquainted with him when he left. They had their cartridge boxes, pistols, and side-arms. When I came back from Elizabeth City I saw them there. I stopped there to dinner, and got into conversation with this rebel soldier; he said he understood I was looking out a place for a store. I said I was looking for a place to locate a store. He said he supposed they were all Union out here; I said, of course, we all had to take the oath. He said they were not there to interrupt business, but to arrest deserters on their way to our lines; that they got \$30 and thirty days' furlough for each deserter arrested.

1535. Then you understood from this conversation you had with the rebel soldier, that it was not their purpose to interfere with this trade, but rather to protect it?

He said he did not intend to interfere with any business I expected to carry on; that he was there to arrest deserters. I learned before I got to Elizabeth City that Captain Lane's boat was up the Chowan delivering goods. I stopped all night. This man remarked that the disposition of the people who carried goods there was not to retail them at all; they preferred to sell them by the quantity.

1536. What was the impression you gathered from what you saw in regard to this trade? Was it carried on to a large extent? Did the rebels get from it a great many articles necessary to supply their army?

My impression was that it must have been a trade which went directly through, for there could not have been such a quantity of goods sold in the neighborhood. I learned from a young man there, who was formerly employed in my store, that they could sell all the goods that could be brought there. I asked him how they got away. He said they

came from across the river and took them. He said it took two or three all the time to sell, and that some nights they were up until eleven or twelve o'clock.

By Mr. Washburne :

1537. Did you see any other rebel troops there than those you have mentioned ?

No, sir ; only these.

1538. Did you know of any federal troops approaching while you were there ; and if so, what became of these rebel soldiers ?

There came a man running who said, " Damn it, get out of here ; the cavalry are just here now ; if you do not get out, you will be caught." One of them ran into a smoke-house, and the lady of the house locked the door. The cavalymen did not get off their horses, but went on down to Gatesville. After they had passed he came out.

JONATHAN DICKINSON called, affirmed, and examined.

By Mr. Washburne :

1539. State your residence and business.

I reside in Norfolk ; my business is hardware.

1540. Have you been engaged in any trade with the rebellious States since the breaking out of the rebellion ?

I have not.

1541. Have you been trading with any people outside of our lines ?

As to that, I suppose I sold a bill of goods this afternoon to go outside.

1542. What goods have you sold this afternoon ?

Knives and forks, pins and other hardware.

1543. Do you know of any permits having been granted to anybody to trade ?

I do not recollect that I have seen any permits to trade.

1544. Have you had an interest in any such permits ?

None at all. I have sold goods to parties who are said to have trade permits.

1545. To whom have you sold such goods ?

To Gaskins & Butt, I believe, of Elizabeth City.

1546. When did you sell goods to go to Elizabeth City ?

On the 17th and 31st of December, as near as I can recollect.

1547. What kind of goods ?

Hardware and tinware.

1548. To how large an amount ?

I think the two bills amounted to about \$330.

1549. Were these parties doing business in Elizabeth City ?

They had a store open here a few months ago. I suppose they had a store down there. I do not know it, except that they talked of going down there. I never was outside of Norfolk myself, except a few miles. I also sold a bill of goods, I think, to C. C. Poole.

1550. Where is he doing business ?

I think at Coanjock. I think, as near as I can recollect, I sold him a bill of \$131 at one time, and I presume I sold to him on several different occasions.

1551. What other knowledge have you of trade with the rebels ?

As to knowledge of trade with rebels, I do not think I have any ; I could quote rumors, but I do not think I have any knowledge.

1552. How long have you been doing business in Norfolk ?

Since last spring. I came from New York.

1553. How large a stock of goods have you had ?

We commenced with three thousand six hundred dollars ; we now have, I think, a stock of twenty odd thousand dollars.

1554. How many goods have you sold a month ?

I could not tell exactly. We came down here as contractors. I think in November and December we sold, perhaps, forty thousand dollars' worth of goods, and some of them were at retail.

By Mr. Perry :

1554. Who purchased goods for this C. C. Poole ?

I could not tell you at all ; they reported no names, and I know nothing about them, except as they came in to pay for and order goods.

1555. How did you deliver the goods ?

They came for them at the store. The first lot, I think, were marked " C. C. Poole ;" the last lot, I think, were not marked at all. I asked what name to make the bill out in, and they said no name at all. I was afterwards told it was for C. C. Poole. They paid us in money ; they did not pay with check, and I had no clue. I sold this bill of goods as I would not another. General Shepley gave a hint not to sell without permits.

1556. Are many permits brought to you?

Yes, sir.

1557. Who are they issued by?

I think from General Shepley.

1558. Have you sold many goods to go out in that way?

No; I do not suppose we have sold one thousand five hundred dollars' worth altogether to go out in that way.

1559. Do you know Renshaw & Co. here?

I know them by reputation. I do not know that I know Renshaw at all.

1560. Who is understood to be in their firm?

I think Renshaw, Captain Johnston, and C. C. Poole. They are the only ones I know to be in the firm. I am under the impression that another bill, which went to Clark, at Elizabeth City, was marked "C. C. Poole."

WILLIAM G. HARRISON called, sworn, and examined.

By Mr. Washburne :

1561. State your residence and business.

Residence, Norfolk; business, merchant.

1562. How long have you been in business here?

About 28 years

1563. Have you had any trade with the rebellious States since the breaking out of the rebellion?

I think not; we have sold goods to parties going out.

1564. To what parties?

I think we sold to C. C. Poole & Co.

1565. To what extent?

I suppose to the extent of \$14,000 or \$15,000, and probably more.

1566. At what times have these sales been made?

I think within the last three months

1567. Have you sold to any other parties than C. C. Poole & Co?

Yes; I sold to Renshaw & Co., and, I think, to Richmond & Co.

1568. What was the character of the goods you sold to them?

Sugar, coffee, fish, cheese, &c.

1569. Did those goods go into the rebel lines?

I do not know; they carried them out to what are called trade stores. I do not know their final destination.

1570. Did you sell them under permits?

We saw no permits, but were told the parties had permits.

1571. Do you know anything of contracts having been made for large amounts of the products of the rebel States, here or elsewhere?

I cannot say that I do.

1572. Have you seen any contracts, to do business in the rebel States, made by any persons with any official of the government?

I saw a pretty big paper—I do not know whether it would be considered a contract or not—about a month ago. I think it purported to be a paper from a gentleman in the Treasury Department by the name of Risley, agreeing to buy from a house in Baltimore, I think, five or ten thousand bales of cotton, five or ten thousand hogsheads of tobacco, and four or five thousand barrels of turpentine, tar, &c. I remember laughing at it as a very big thing.

1573. Who was the party holding this contract?

It was a man from the house, who was in Norfolk. I remember laughing at him for peddling round little trinkets when he had such a big thing in his pocket. He said the thing was not yet consummated. I asked him how he was going to pay for all these goods. He said they would pay for them with sugar, coffee, &c.

1574. What do you know of the amount of goods sold in Norfolk within the last six months to go into the rebel States, or to the trade stores beyond our lines?

I have been unfortunate so far as I am concerned. We got one permit and sent out about \$3,000 worth of goods. We were told that when we had sold \$10,000 worth of cotton we would be entitled to ship goods to one-third the amount. I do not know how many goods have gone out, but I think a right smart amount have gone. I have seen a good many lighter loads of goods start out. I have sold goods I recollect now to W. W. Kennedy, who took them to Elizabeth City.

1575. What was the nature of the goods that generally went out on these lighters?

I think the major part was coffee, sugar, and salt.

1576. Did you see any pork going out?

I did not. I have heard that bacon was sent out, but did not see that.

By Mr. Perry :

1577. Do you know anything about the firm of Renshaw & Co.?

I sold them a few goods.

1578. Are they doing any business with citizens here?

They are merchants here. I do not think they have much of the city trade.

1579. Have they a heavy stock of goods on hand?

I expect they have. I heard that one hundred hogsheads of sugar came on to them in one lot.

1580. Is it understood that the principal business of the firm of Renshaw & Co., of this city, is the furnishing of these supply stores?

That is my impression.

1581. What has been the effect of opening the port upon the trade of Norfolk?

It has been a great relief to the people. I do not think the trade has been much greater, the lines not having been extended.

1582. What benefit has resulted from the opening of the port to the people of this district?

The benefit has been that the goods coming in have been relieved of the four per cent. tax required before the port was opened.

1583. Was not the difficulty of shipping goods through the lines greater before the trade was opened?

The opportunities to ship goods into the port have been greater, but whether they have been greater to get goods through the lines I do not know. That would depend upon the authorities.

TUESDAY, *February* 14, 1865.

Members present:

Representatives.

Mr. WASHBURNE.

PERRY.

Major J. LEWIS STACKPOLE called, sworn, and examined.

By Mr. Washburne:

1584. Have you had anything to do in this department with the trial of persons engaged in unlawful trade with the enemy?

During last September and October I was judge advocate of a military commission, of which Brigadier General Charles Devens was president, before which were tried six persons for trading with the enemy at South Mills.

1585. State the names of these persons.

Enos Richmond and Ezra Baker were tried together, and also Charles Whitlock, these three composing the firm of E. Richmond & Co.

1586. Where was their establishment?

Their establishment was at Norfolk. They also sold goods at South Mills, at a branch store kept by a man of the name of Abbott.

1587. During what months did they keep this store?

During the months of May, June, and July, 1864.

1588. What other parties were tried?

M. Dudley Bean was tried.

1589. Where was his store?

His store was at Norfolk. My impression is that he had no regular store at South Mills. He carried goods there occasionally and sold them by himself or agent.

1590. What other parties?

Logan Hurst. He is a man who lived near Portsmouth, but he had a store at South Mills. Augustus Harney also—a resident of Norfolk who had a store at South Mills—was also tried. These are the parties.

1591. I will ask you what became of these cases?

The records were forwarded by me to General Butler on or before the 20th of October, 1864. At that time they went out of my possession as judge advocate.

1592. When did you next hear of or see them?

The next I heard of these papers was on Thanksgiving day. I was at General Butler's headquarters and asked the general if he had received them. He stated that he had, and had referred them to Major Haggerty, who had stayed at the north after General Butler had been in New York. He said he had sent for them, and would attend to them immediately.

1593. When was the next time you saw them?

I did not see the papers at this time; they had not then arrived. I next saw them in General Butler's office at Fort Monroe, at the time he was waiting to sail on the Wilmington expedition. They were then lying on his table.

1594. Had they been acted upon?

They had not.

1595. When did you next see them?

I think I probably saw them there two or three times, as I was often in the office. I saw them afterwards in General Butler's office as he came down from the front after being relieved. General Marston was there; he told me they had been referred by General Butler to him to read over and make a report. He was anxious to know something about them. I had a long conversation with him. They had not been acted upon at this time. General Marston then had them put up and carried by an orderly down to the boat. I think General Marston went north that day, and that General Butler also went.

1596. And carried the papers with him?

Yes, sir. When I next saw them they were franked to me by some clerk of the War Department. I recollect that I gave a memorandum of the case to General Ord.

1597. Had you been requested by him to make an effort to procure the papers?

Yes, sir.

1598. Were all the papers returned?

They were all returned except the case of Dudley Bean.

1599. Has that ever been returned?

I have never seen it.

1600. What was the finding in these cases?

The finding, except in the case of Harney, who was acquitted, was, guilty of some of the specifications in each case. I do not remember whether they were found guilty of all the specifications in any case or not.

1601. What was the sentence?

The sentence has not been promulgated, and I presume I am bound by my oath not to disclose that.

1602. I ask you whether the action in these cases by General Butler was, in your opinion, of any validity whatever?

In my opinion the action of General Butler having been taken after his removal from command, was not valid.

1603. Then what was the action of General Butler in these cases?

The action of General Butler was approving the proceedings, findings, and sentence. It was remitting certain portions of the imprisonment because of the publication of the order of the President legalizing that description of trade.

1604. To the best of your memory was there any date or place appended to General Butler's remarks?

I do not think there was.

1605. It had the appearance, then, of having been made here?

I think it was headed—I am not sure—"Headquarters of the Department;" but there was no date to it.

1606. What had General Marston to do with the cases other than as they were given to him, as to any officer, to overlook?

He had nothing. They were referred, as I understand, to him for a report—for an exegesis of the cases.

1607. I will ask you this general question: From the facts which came before you in these cases, and from the testimony you have been able to procure in this department, what is your impression of the general trade carried on from Norfolk through the enemy's line and with the enemy for cotton?

My impression is that a large trade was carried on with the enemy at South Mills, and at a landing about three miles from South Mills. My impression also is that a majority of the goods taken there found their way into the enemy's lines, and not only into the enemy's lines, but into the hands of rebel commissaries stationed on the other side of Chowan river; that is to say, such goods as were useful for rebel supplies, such as meat, sugar, coffee, &c.

1608. Will you state whether this was done through the agency of military permits granted at Norfolk?

There was no claim in these trials that the goods charged in the specifications were carried unlawfully. They were shown to have been carried by permits granted by Brigadier General Shepley.

1609. Can you form any estimate of the amount of goods carried for such trade during any one month in 1864?

I cannot form any approximate estimate.

1610. What was the rate of exchange for these goods at that time for cotton?

A pound of meat for a pound of cotton. It was proved in the evidence that the rebels had been guarding the Chowan river, and that they allowed no cotton to cross unless they received meat for it at some such rates.

1611. Then this trade, in your judgment, could not have been carried on to any extent without the connivance and assistance of the rebel government?

No, sir, it could not. No doubt some cotton was smuggled across the river by parties on the other side, but the rebel authorities would not allow it to cross in any considerable quantities.

1612. You stated that Bean's case has not been returned. Do you know the reason?

No, sir.

1613. Who is this Bean?

He is a merchant who lives in New York, as I understand. The first I saw of him was when I came to the department on the staff of Major General Foster, in August, 1863. I then saw Bean here, and he was reputed at that time as being in some kind of business here.

1614. Had you a conversation with this Mr. Bean after General Butler had failed to return it?

Yes; Bean came to my office and asked me if any action had been taken upon the proceedings in his case. I told him there had not. He wanted to know what had become of it. He wanted to know if it had been sent down here. I told him no; that the last I had seen of his case it was in General Butler's possession, and that he had carried it away with him.

1615. Did he express himself satisfied?

Yes, sir, he appeared to be very much pleased.

1616. How did you know that the order of General Butler on these papers was not made before he was relieved?

Because I saw the papers after he was relieved, and there was no order on them.

By Mr. Perry:

1617. Did you have any evidence before you, by mark or otherwise, as to the former ownership of this cotton?

There was evidence that some of this cotton was marked "C. S."

1618. From the information that came before you, are you of the opinion that any considerable amount of cotton could have been obtained without the consent of the rebel government?

I think some of it could. Some of it was undoubtedly smuggled across. The larger portion, however, was, I have no doubt, with the consent of the confederate authorities, and in fact the transactions were made with their agents.

1619. From the time of the commencement of these trials, during their progress, and up to this time, as far as you know, have the same parties been allowed to continue the trade?

About a fortnight after the trial I was informed by two detectives that Richmond and Baker had gone down with a load of goods to South Mills, and I have since understood that the trade had gone on, though I know nothing of it personally. I instructed the detectives to investigate the matter and let me have such evidence as they could, as I proposed to try the parties again. I received a telegram from Colonel Sanders, provost marshal, saying they had gone down there. I told General Butler about it and showed him the telegram, and he said he would attend to it.

1620. Have you any information that he ever did attend to it?

No, sir.

1621. Have you any information that after that they went forward with the trade?

I know nothing personally about it at all.

1622. Have you any information in respect to Mr. Hurst continuing in the trade during the time of his trial, and up to this time nearly?

I have not, except by general rumor. I heard that the trade was going on. I have seen these detectives, whom I have sometimes sent for in other matters, and they have told me that it was going on.

1623. As an officer of the government, did you not feel that there was great delay in the department in stopping this trade?

Yes, sir, it was my opinion that there was delay, that it ought to have been stopped, but I did not know where the fault lay.

By Mr. Washburne:

1624. Did you see any difference in regard to this trade after the trial of these men?

The information that I could give as to that is very slight, because I rarely came to

Norfolk, probably not more than once a month, and I know nothing more than what I have heard.

1625. What is your impression and belief from what you have heard?

My impression is that the trade was going on, but that impression was simply based on what these detectives told me.

1626. Where are the various parties who were tried by your commission at the present time?

Mr. Hurst I saw in the other room as I came in; Mr. Whitlock I also saw outside; and I have heard, I think, from time to time in the department of the others.

1627. Do you know where Bean is now?

I do not. I have heard that he was examined within a day or two by this commission, but I have not seen him.

LOGAN HURST called, sworn, and examined.

By Mr. Washburne:

1628. State your residence and business.

I live in Norfolk county, Virginia, and am a farmer.

1629. Have you, since the breaking out of the rebellion, been engaged, either directly or indirectly, in trade with the rebel States; and if so, at what time, to what extent, and with whom connected? Please state fully and particularly in regard to the whole subject.

I do not know that you would consider it trade with the rebellious States. I got a permit from General Shepley to go to North Carolina and purchase cotton. I went and purchased ten bales of cotton and brought it to Norfolk. Dr. E. C. Robinson was connected with me at that time. He received fourteen cents a pound for the cotton I brought into Norfolk for his services here. He did not furnish any money, nor did he do anything outside of the city. I then applied to General Shepley for permission to carry out some goods to South Mills. The application was in writing, over my own signature. It was granted, and I took them out. I disposed of these goods and brought out more cotton. Dr. Robinson also received fourteen cents a pound for this. I then asked for a permit to carry out more goods, which was partially granted, for sugar, coffee, molasses, and some liquors. I brought in the next lot some twenty bales of cotton, which I tried to sell in Norfolk, but could not get what I charged for it. The party I had sold to was Sherman & Co. The proposition was then made that Robinson and Sherman should furnish the money to me. I was to do the business; to go to North Carolina and get the cotton, and they were to receive it; Robinson to receive one-third, Sherman one-third, and I one-third. Under that arrangement I brought in two or three hundred bales, which I obtained at South Mills and the landing about three miles below South Mills. This was at the time within General Shepley's lines, as I understood it. In October, I think it was, I got a summons to appear before General or Colonel Ord. I reported according to instructions, and was sent to the provost marshal, who sent me under arrest to Old Point. I believe Major Stackpole was ordered to prefer charges against me for taking out goods, as they said, by stealth, and smuggling out cotton. I remained under arrest for eight days by order of Major Stackpole, and was released until sent for for trial. They tried me before the military commission of which General Devens was president and Major Stackpole judge advocate. Then I was released from there. I had a lot of cotton which I had previously paid for in money. I did not carry but two lots of goods. I procured this cotton and sold it, and had no further transactions in cotton until last December. Previous to that time, perhaps in June, I was introduced to George W. Lane, who stated that he had the permission of General Butler, probably indorsed by President Lincoln, to bring out cotton and take in goods. He wanted me to engage with him to go down on his steamer. I declined going. I did not like going down on the boat. I told him I knew a man by the name of James who was willing to contract for any number of bales of cotton—who would deliver it on the Chowan river if he could have the protection of the federal authorities on this side. Lane said he could do that. I saw James, and contracted with him to deliver 7,610 bales at South Mills, or such point as should be agreed on, for half a dollar a pound, half in greenbacks and half in North Carolina bank money. I was to be paid five cents a pound for all the cotton delivered under that contract. That was the consideration I made the contract for. Lane urged me very strongly to go on the boat on this trip in December. I told him that I did not like to go; that besides that I had been tried, and that when the decision came to be announced I might be imprisoned. He said he would make that all right with me if I would go. I asked him how he was going to do that. I told him that I had confessed everything before the commission, and that they might find me guilty and imprison me for a long time. He said he would fix that. I asked him how he would do it. He said his influence at headquarters was sufficient;

that the findings of the commission had to be approved or disapproved by the general commanding before they were considered as binding. I asked him who he was. He said General Butler. I told him if he was certain of that fact that I would go on board his steamer for that trip. I heard the other day that the commission sentenced me to two years' imprisonment, and to pay one thousand dollars fine, and that General Butler had revoked the imprisonment but approved the fine. Having consented to go with Lane on this trip, we left here on the 19th day of December. Before I left, however, I told him I wanted to see his papers; that I had got into one difficulty and did not want to get into any more. He showed me his papers. He had passes from General Shepley, also from Mr. Farrington, who was the treasury agent here, which he said were all right and proper. The goods consisted of molasses, coffee, sugar, candles, and some shoes. I saw the clearance of the custom-house and the goods that were on it. There was some delay about the boat going up the river, and it took us a long time to go there. We went out through the canal and up the river to Edenton; there Lane said he expected a gunboat to examine his papers, but we did not see any boat. He said it was probable the boat was higher up the Chowan river. I remarked that I supposed it was not his duty to find guardsmen, but that it was their duty to stop him and examine his papers. He said he would go further up. He had Admiral Porter's letter, stating that officers were to pass him. I think the letter said he did not see any reason why the commanding officers in North Carolina should not respect General Shepley's pass. We proceeded up the river for twenty miles that night, and did not pass any gunboat. The next morning we went on up to our place of destination. I have learned since that it was in the Nottaway river. I took it for granted then that it was the Chowan river. There he stopped, and disposed of his cargo and received his cotton. It was at some small place I do not know the name of. There were several parties who seemed to be interested in the cotton. I believe the principal man was a Mr. Corprew, formerly of this city. He was at one time a colonel in the rebel army. He came on board and made a settlement with Mr. Lane. I asked him to give me a memorandum of the amount of cotton shipped, as I was interested to the extent of five cents a pound. He gave me the following memorandum:

"Amount of cotton to G. W. Lane.....	119,980 pounds.
Cotton for demurrage.....	950 "
Upton.....	770 "
	121,700

Delivered in steamer Philadelphia on the 9th of January, 1865.

T. J. C."

After we got this cargo of cotton on board we proceeded down the river until we met the gunboat Valley City, commanded by a man of the name of Brooks, who came on board and demanded our papers. Mr. Lane and Mr. Upton went aboard with the papers and showed them to Captain Brooks, who said they were all right, but said his orders were to take the boat to Plymouth and report to Commander Macomb. We came there, and Mr. Upton went aboard the boat and showed the indorsement of Admiral Porter, but he determined to detain the boat until he could see the admiral. I went on board the steamer Shamrock, and Commander Macomb gave me permission to return home.

1630. In your first transaction you spoke of Dr. E. C. Robinson being connected with you as your partner; who is Dr. Robinson?

He is a dentist in this city who has been residing here a number of years.

1631. Had he been engaged in this trade prior to this time?

No, sir; I think I brought the first bale of cotton from North Carolina to Norfolk since the rebellion.

1632. What was the consideration that induced you to allow 14 cents a pound to Dr. Robinson?

I met him one day in town; I understood that I could buy cotton in North Carolina. I found that he was on pretty good terms at headquarters. I asked him if he did not think it was possible to bring in a load of cotton. He said he thought it might be done. I told him I could procure the cotton on very reasonable terms, and would give him a consideration to obtain passes. I believe he charged at first more than I was willing to give, but we compromised on 14 cents a pound. He told me he could get it through Adjutant General Johnston, and he did get the passes.

1633. And this 14 cents a pound was for Robinson's aid in getting the passes?

Yes, sir; it was a consideration for his influence.

1634. How much did you pay to Mr. Robinson?

For the first lot \$1,100, and for the next I think \$2,800.

1635. Were these the only sums of money you paid him?

Yes; the balance received by him was obtained by the division of profits, as I stated, in these other transactions.

1636. What articles of goods were carried out in this first transaction?

The first articles carried out were 3,000 pounds of bacon and pork, and the balance in groceries, dry goods, and such articles.

1637. Where did you carry these articles?

To South Mills, about 30 miles from here.

1638. Did you carry any boots and shoes?

I do not believe I did many.

1639. Did you carry any candles?

Yes, sir.

1640. Did you carry any coffee; and if so, how much?

I did. I do not recollect the quantity.

1641. How much sugar did you carry?

I do not know how much. The cargo amounted to between six and seven thousand dollars' worth. I got the goods of Sherman & Co. of this city.

1642. Were Sherman and Robinson partners in this instance?

Sherman was not at all in the first transaction. It was only in the last two transactions that he was a partner.

1643. I understand you to say that Sherman and Robinson in these last transactions furnished the money; did they furnish any money in the first?

No, sir; in the first transactions I furnished my own money. In the last ones Sherman and Robinson furnished the money. If any loss occurred they suffered the loss, and if any money was made I got one-third of the profits.

1644. How much profit did you make out of all your transactions?

In the first one I made about \$4,000. In the next I did not make anything scarcely. If I could have got North Carolina bank money at the rate it was at first I could have made handsomely, but when I came to get it the price had suddenly raised.

1645. How much after Sherman and Robinson were partners?

I could not tell you, from the simple fact that Sherman has all the papers in his own hands.

1646. Was it a pretty large sum?

I suppose \$30,000 or \$40,000. There is some discrepancy in the accounts. I suppose he owes me twelve or fourteen thousand dollars, but he does not think he owes me anything.

1647. And he has the funds in his hands?

Yes.

1648. How large an amount of stuff did you take out to South Mills or thereabouts during the whole time?

I never took out any except these cargoes from here.

1649. Did any of these goods go outside of our lines?

They all went outside; I think the last time there was a raid and the picket lines were extended below, but it was not particularly in that vicinity.

1650. What has become of these articles that you were interested in which went out beyond our lines?

I sold them for cotton; I think most of them went across the rebel lines.

1651. What was the conversation which you had with these traders there; what did they say they wanted this meat for?

They wanted it to trade for cotton.

1652. With whom did they expect to trade; was it with the rebel commissaries upon the Chowan river?

There were rebel commissaries there; a man by the name of J. R. White, whom I knew formerly in this city, was one.

1653. Did you ever see White down at South Mills?

Yes.

1654. What time was that?

It was after the time when I carried goods there.

1655. In whose lines were South Mills at that time?

He said it was neutral ground; it was fifteen miles outside our picket lines.

1656. There were no Union forces there?

No.

1657. What did White come there for?

He came there to partake of some refreshments; there was a little party there of old acquaintances of mine; I did not know that he was to be there at all; I expected Corprew and Carr there.

1658. Who is Carr?

He is a trader who buys meat, &c.

1659. Was not this meeting by arrangement between you and these men?

No, not at all; I merely gave them a fish dinner.

1660. Was not the subject of this trade mentioned?

Not at all; we merely ate fish and drank brandy.

1661. Was not White a rebel commissary?

He came there in citizen's dress; I asked him what he was doing; he said he was stationed at South Key, and that he was a captain in the commissary department in the rebel army.

1662. Was there no conversation at this meeting at all about this trade?

Not a particle.

1663. Is there much of a settlement at South Mills?

It is a little village of twenty-five or thirty houses.

1664. Did you sell any meat to Carr?

Yes; I think I sold him not quite 12,000 pounds. He gave me a pound of cotton for a pound of meat.

1665. Did you ever have any other meeting or conversation with these men within the rebel lines, or on neutral ground, as you call it?

None at all; I have seen persons, who said they were rebels, down there and talked with them.

1666. Did they interfere with you in any way?

One day they did; they wanted to get my money, but they did not do it. There were some drunken men who said they were rebel soldiers. I had greenbacks with me to the amount of \$30,000 which they wanted to get, but they did not.

1667. You have spoken of a trial you had at Fortress Monroe by a military commission: were the specifications founded upon this transaction to which you have testified?

They spoke of smuggling goods; I took them out on a pass from General Shepley. I took them in a lighter which was under the inspection of a proper officer of the post. I then had to report to a Major Smith, at Deep Creek, where some officers examined them and indorsed the pass. Afterwards I had to report again to the outer pickets.

1668. Did you have any difficulty anywhere?

No; I proved before Judge Stackpole that the passes were all correct.

1669. How carefully were the goods examined at the points you have mentioned?

They opened some of the boxes and looked into them.

1670. Did any conversation pass between you in regard to the trouble they were at in making the examination?

No, sir; not at all. It was remarked by a fellow one day, who was drunk, that he wondered how much I paid Colonel Lord to be allowed to carry such things. I told him I had never seen Colonel Lord in my life.

1671. What induced the soldier to ask that question?

I cannot imagine, unless he suspected some corrupt means being used. There had been nothing of the kind.

1672. Did you ever pay anything to any officer for permits?

No, sir; neither directly nor indirectly at any time.

1673. I understand you to say that after the trial you were put under bonds.

I was put under bonds when I came out of prison. I was put in prison before the trial.

1674. Have you been out under bonds ever since?

I gave a bond the last time for \$10,000 to appear there whenever the President or judge advocate or somebody wanted me.

1675. When was that last \$10,000 bond required?

Immediately after the commission rose, when the trial was closed, before I was allowed to go from Old Point.

1676. At what time was this last bond given?

I do not know; I think in October some time.

1677. Then I understand you that after this, and while you were out upon this bond, you went into this arrangement with Lane.

Previous to that time Lane told me if I would go with him he would make it all right.

1678. How did you understand that Lane would make it all right?

It was through the influence at headquarters of Mr. Hildreth, brother-in-law of General Butler.

1679. Did he state that Hildreth was interested as a partner of his?

He told me Hildreth was a partner of his.

1680. To what extent?

He did not say to what extent. He told me, after pointing him out to me at one time, that Mr. Hildreth went to the front one day for the purpose of seeing General Butler about my case.

1681. What did he tell you was the result of the interview?

He did not tell me, and I do not know as I asked him.

1682. Did not you feel sufficient interest to ask?

He assured me all the time that it was all right.

1683. What compensation did Lane agree to give you at the time you went with him upon the Philadelphia, on the 19th of December?

He agreed to give me five cents a pound, and, as a further consideration, to make this matter all right with General Butler. That was the greatest inducement; I would not have gone at all except for that.

1684. Why did you think he could do it?

Because I thought he had great influence with General Butler.

1685. Was the pass they had for this cargo signed by General Shepley in person, or by Johnston?

By General Shepley himself.

1686. Did you see the pass?

I did; I examined all the papers thoroughly before I left. I saw General Shepley's pass; I saw General Butler's and General Palmer's letters; I saw Mr. Upton's appointment by Mr. Farrington. I think that Lane told me Farrington was a partner in this affair.

1687. Who was Farrington?

Farrington signed himself as deputy treasury agent. He received his appointment from Mr. Risley.

1688. From whom did you understand that Mr. Farrington was interested in this transaction?

I think from Lane.

1689. What did Upton do on this trip?

He seemed to have charge of the whole cargo. He attended to receiving the cotton and to discharging the cargo.

1690. You say the cargo was discharged in the Nottaway river. State specifically what took place when these goods went off the boat?

The first party I saw was a gentleman by the name of Pretlow and a Mr. Corprew, who came down there, and seemed to be interested in the goods. They said they would attend to the matter in the morning. The next morning Pretlow, Corprew, and probably Mr. Holliday, came down.

1691. What appeared to be Mr. Holliday's business?

I do not know; he appeared to be there looking on. I have learned since that he was interested with Lane.

1692. Were the goods landed at different places?

The steamer stopped out in the river where there was no landing. They took the goods off in boats, and brought the cotton on in boats.

1693. Who was Corprew?

He was formerly a sergeant here in Norfolk. At the time of the breaking out of the rebellion he was a lieutenant colonel in the rebel army. By an arrangement they had of allowing the company officers of the regiment to elect the field officers he was then dropped, and has not been in the service since.

1694. What position did he appear to occupy at this time?

He said he was acting for himself.

1695. What did he say was to be done with the goods?

He did not say; but I presume he traded with the rebels and got more cotton, except what was sold to private citizens.

1696. What proportion of the goods were sold to private citizens, and what proportion to the rebel army?

I expect a very small portion went to private citizens, but I have no knowledge about that.

1697. What do you suppose was the value of the articles taken out on this trip?

I think there were 100 barrels of molasses, 100 barrels of sugar, 100 bags of coffee, and 100 boxes of candles, besides boots, shoes, and cheeses; I do not know how many.

1698. How many ploughs?

There were ploughs; I do not know how many.

1699. In your judgment, what relation would the value of the goods carried out in greenbacks bear to 100 bales of cotton, in greenbacks?

I suppose the articles carried out would not exceed in value twenty thousand dollars.

1700. Did he not, in fact, procure for the cargo he carried out 257 bales of cotton?

He got that much cotton; I do not know whether he paid money or not.

1701. How many bales did he bring back as the proceeds of this venture?

Two hundred and fifty-seven bales.

1702. Did the cargo, which you took down there at the time you have testified to, pay for the whole amount of cotton?

I think he paid some money; I do not know how much.

1703. You have spoken of a man of the name of Carr; was he engaged in this trade with Lane?

Frederick W. Carr was engaged in the cotton trade; I bought cotton of him in the summer.

1704. Where does he live?

He lives most of the time at South Mills.

1705. Do you recognize the memorandum book which I now hand you?

It contains Carr's handwriting.

1706. State all you know about that book.

All I know about it is this: I got these two books and took them out for Carr. The writing in them is his handwriting; and, by the way, he wants these books very badly.

1707. These are his accounts with the rebel government, are they not?

Wherever the word government is mentioned it refers to the rebel government.

1708. What is that account which appears on these two pages of the book?

I suppose it is what parties owe him.

1709. What is this entry of \$33,700?

That is cotton purchased with North Carolina money last summer.

1710. What was the relative value of North Carolina money with greenbacks?

Two to one I paid for it last summer in greenbacks, here in Norfolk.

1711. Where did you obtain this money?

Sherman & Brothers obtained it for me; some of it in Baltimore, and some of different brokers here.

1712. These transactions, which are stated in this account here, you say you believe to have been made in North Carolina money; what were they connected with?

Trade with our folks on this side of the line. On the other side I do not know anything about it, but I believe the transaction was in confederate money.

1713. Do you know David Wright?

No.

1714. Do you know H. E. Weston?

Yes.

1715. Who is he?

He lives in Norfolk, near my house.

1716. Do you know what the item of "Confederate States, \$35,000," means?

No, sir, I do not; unless he furnished supplies to the extent of \$35,000 in confederate money.

1717. What is this in relation to "J. W. & Co.?"

I think he is the man he boarded with. (The following are extracts from the memorandum books referred to, "A" and "B:")

A.		
C. S. GOVERNMENT,		Dr.
1864.		
June 4. To	262 pounds bacon.....	\$917 00
	53 pounds bacon.....	185 50
	464 pounds pork.....	1,508 00
	190 pounds pork.....	665 00
	563 pounds bacon.....	1,970 50
	6 bales cotton.....	\$2,940
	5 sacks salt.....	665
	2,153 pounds salt.....	
	337 pounds pork.....	1,095 25
	50 pounds bacon.....	175 00
	2 pounds yarn, returned.....	120 00
	6,355 pounds bacon.....	22,242 50
	2 barrels—400 pounds pork.....	1,400 00
	8 barrels—1,600 pounds pork.....	5,600 00
July 11.	275 pounds bacon.....	962 50
	10 barrels—2,000 pounds pork, at \$3.....	7,000 00
	127 pounds bacon.....	444 50
	339 pounds pork.....	1,186 50

1864.		Cr.
June 4. By	4 sacks salt, 510 pounds, at 20 cents per pound	\$102 00
	5 sacks salt, 586 pounds, do do do	117 20
	1 sack salt, 128 pounds, do do do	25 60
	5 bales, 2,225 pounds cotton, at	
	3 caddies Nevon Hughes tobacco	
	4 boxes Palmetto, 259 pounds, (J. R. W.)	
	2 bales, 885 pounds cotton	
	4 pad yarn, at 60	
	86 pounds sugar, at 2	
	3 bales, 1,308 pounds cotton	
	3 bales, 1,358 do do	
	11 bales, 5,041 do do	
	1 bale, 434 do do	
	5 bales, 1,903 do do	
	1 bale yarn, 50	3,000 00
	Cash bank money, equal in confederate to	3,040 00
	53 bales cotton to Dr. Parker	

B.

1864.		Dr.
Sept. 12.	Asa Statting	\$90 00
	F. W. Carr	23,742 87
	G. D. Hopper	32 40
	T. J. Corprew	2,345 00
	Do do	22 50
	David Wright	180 00
	J. March	1,050 00
	H. E. Weston	205 00
	Old Miles	75 00
	L. Hurst	33,300 00
	Confederate States	35,000 00
	J. R. White	2,908 90
	Jacob Lenow	6,500 00
	2 horses and buggy	4,200 00
	J. M. Hinton	2,700 00
		112,351 67
	Amounts due from various persons	4,500 33
		116,852 00
	Deduct impost	48,872 00
		67,890 00
	Due F. W. Carr on account of expenses	26,000 00
		41,980 00

Cr.

J. J. W. & Co. :	
Tobacco	\$5,372 00
Jesse Eason, cash	4,500 00
F. W. Carr, cash	39,000 00
	48,872 00
Due F. A. C. on account of expenses	26,000 00

1718. These articles marked "C. S. G." are articles he furnished the confederate government, are they not?

Yes, sir; they are credits of articles received—I presume for cotton.

1719. From what points did these articles charged to the Confederate States come?

I believe a good many of them came from this city. A good many were purchased in these six counties of North Carolina.

By Mr. Perry :

1720. Did you see any bales of cotton marked Confederate States ?

I saw some marked "C. S. A."

1721. Did any part of this cotton go for the benefit of the United States government ?

They paid the regular charges here in this city. I do not know what they were.

1722. Did you not understand that of all the cotton got out since December 1 one-fourth was to go to the United States government ?

I have not got out any since that time.

1723. You say that you paid 14 cents a pound to Robinson for the first lot you got out: are you under the impression that any part of this went to other parties ?

My impression is, though I never heard any one say so, that another party got some of it.

1724. Who ?

I never suspected any particular party till recently. My impression is now that Captain Johnston received some portion of it.

1725. Who was Johnston's partner at the time he left ?

I think C. C. Poole and a man by the name of Jones.

1726. Is Johnston a partner in any of the trade stores established beyond our lines ?

I understood that he was a partner in all of them. A man by the name of Taylor had a lot of goods he wanted to get out but could not get permission. I asked what C. C. Poole & Co. would charge for allowing these goods to go to them. They said they would allow them to go for one-quarter of the profits. He said at first he would not pay it, but afterwards agreed to do it. Subsequently Johnston said the goods could not go; that there was some misunderstanding about the price; that he was to have one-half the profits instead of one-quarter. After a good deal of negotiation Taylor agreed to give half, and the goods were sent out.

1727. Who granted the permit ?

General Shepley, I believe. I do not know that he knew anything about the transaction. Johnston professed to have a pass from Palmer, but it turned out that he had not. The goods were to go to Elizabeth City for the purchase of cotton. They went there by the way of Coanjoek.

1728. After you received this information from Lane in respect to your trial, did you expect to be relieved from your imprisonment and fine ?

I expected that the sentence, whatever it was, would be revoked by General Butler, as I understand it was, so far as the imprisonment was concerned.

1729. Were you interested in some boots, shoes, and hats on this trip you took with Lane ?

Lane told me that if I would bring some shoes he would make it all right with me.

1730. Do you know all the parties interested in that cotton up the Chowan river ?

No, sir, I do not. Lane told me he had to make \$10 before he could have \$1 for himself; that Farrington and Hildreth were partners.

1731. Did Upton see White on board the Philadelphia ?

Yes; I think he saw the whole transaction. I do not think White transacted any business on board. He knew me and came on board, and we took several drinks together.

1732. Did you see Upton and White talking together ?

I do not know that I saw them talking separately. They were all together on board the boat.

1733. How did you introduce White ?

As my friend Captain White.

1734. In what service ?

I did not say what service, but I supposed they understood that; he had on a rebel uniform.

GEORGE W. LANE called, sworn, and examined.

By Mr. Washburne:

1735. Please state your residence and business.

I reside in Baltimore; I am a trader.

1736. In what kind of merchandise have you been dealing ?

I have been a contractor under the government since the war commenced.

1737. To a very large amount ?

No, in a small way.

1738. To what amount ?

Probably two or three hundred thousand dollars since the war commenced.

1739. Have you at any time, since the breaking out of the rebellion, been engaged in trade with the rebellious States ?

I have not with any persons in the rebellious States. I have been engaged in trade as far as the Chowan river, and the counties this side of the Chowan.

1740. Have you testified in relation to this subject before the military commission of which General Gordon is president?

I have.

1741. Do you recollect the testimony you gave before that commission?

I do not know that I do. I answered the questions that were put to me according to the best of my knowledge.

1742. Would you give the same testimony before this committee that you gave before the commission?

If asked the same questions I would.

1743. Will you adopt the testimony given before that commission as your testimony before this committee?

Yes, I would so far as I remember it, except as to some questions asked of which explanation might be required to show the true answer.

1744. Do you wish to make any explanation as an addition to that testimony?

If I could hear the answers I gave read, I could see. I do not know that I desire to make any alterations.

1745. Did you ever receive this note?

(After several minutes' hesitation.) I do not exactly make out what some words are. I do not remember ever seeing it.

The paper referred to is the following:

"OFFICE OF THE ADAMS EXPRESS COMPANY,
"84 Washington St., Boston, Saturday, April 9, 1864.

"I came on from New York and go back to-morrow. I expect to see you in Baltimore by Wednesday. I trust that you sent steamer so that we may have no delay in starting on arrival at Fortress Monroe and Norfolk.

"Truly, &c.,

"CHIGACO."

1746. Have you any idea whose handwriting it is?

(After hesitation.) I have not.

1747. Have you any idea from whom that came, what it refers to, or anything in relation to it?

No, I think not.

1748. Have you ever had anything to do with anybody connected with Adams Express Co.?

I formerly had some connexion with the company.

1749. Have you ever been in partnership with anybody connected with it?

No.

1750. Have you never had any interest in the company as an agent or otherwise?

With no one who I knew was connected with the company.

1751. Have you no idea to what that note refers?

(After hesitation) I have not; it seems to be something I have no information in relation to.

1752. Do you swear positively that you never saw that before?

I do not remember ever having seen it before. If I ever did I must have been as much at a loss to know what it meant as I am now.

1753. Does it refer to matters of which you have no knowledge?

Not that I can see now.

1754. Were you in Baltimore in April last?

I was.

1755. Does not that note imply that the writer was going to see you in Baltimore?

The note says so.

1756. Did you see anybody from Boston shortly after that note was written?

I do not remember; I have been about the hotels there and may have seen people I do not remember.

1757. Have you had any transaction with any person in Boston?

Not since that date.

1758. Did you before that time?

I used to live in Boston; I have not had since I was in the forage business.

1759. What business were you in at the date this note was written?

I was not in the forage business then.

1760. Did you send a steamer to Fortress Monroe or Norfolk about that time—April, 1864?

I did.

1761. Did that note evidently refer to the steamer you sent?

It might; I bought a steamer in Philadelphia, in the first part of April, 1864. The note refers evidently to just what it says; there is no doubt about that; but the point you wish to come at is, if I know what was intended by it.

1762. Do not you know anything about it?

I do not know anything more than just what it reads.

1763. Do you know the handwriting of John Sanborn?

I think I do; I am not certain; I have had letters from John Sanborn, but that does not look like his writing to me.

1764. Have you had any business arrangements or connexion with John Sanborn within the last twelve months?

I have.

1765. Had you any business with John Sanborn at the time that note was dated?

No, I do not think I had.

1766. Will you swear you had not?

I think I had not, but the date is the point.

1767. Did you have any business transactions with him before that time?

Never.

1768. Do you know what business John Sanborn is in?

I have understood he was an agent in this department; I have heard all sorts of things; I have heard that he was provost marshal of the inland waters of North Carolina.

1769. Do not you know that he has been agent of Adams Express Company at Fortress Monroe?

I do not.

1770. Do not you know of his acting as such agent?

I have heard that he did; I never saw him in that capacity.

1771. Did you ever receive letters from him?

Yes, sir; I have.

1772. Will you state whether or not, according to your best knowledge and belief, that note is in the handwriting of John Sanborn?

I would just as quick say it was in General Gordon's handwriting as in John Sanborn's.

1773. Will you state whether or not that note was not found among your papers which were seized by McPhail, in Baltimore?

I do not know; it might and it might not.

1774. Did McPhail seize papers at that time on board the Philadelphia?

No, sir.

1775. Are you certain he did not?

I am sure of it.

1776. Will you swear to that?

I will; I will not swear that he did not go to my house and break open a room and seize papers there.

1777. Did McPhail seize papers of yours at any time and in any place?

He went to my house in Baltimore and took papers, I believe, from a bureau drawer.

1778. Did not you attempt to get the steamer Philadelphia out of Baltimore at one time without a clearance?

Never; I am positive of that; I can swear understandingly on that point.

1779. Do you know of there being any difficulty about getting the Philadelphia out?

I do know exactly all about that

The following was shown to witness:

“BALTIMORE, MD., February 15, 1864.

“*Memorandum of agreement made between George W. Lane, of this city, and Byron W. Clark, of New York.*

“Whereas the said Lane proposes to engage in mercantile transactions in the State of North Carolina, under the authority of the military and treasury departments of the United States, in the way of selling goods and purchasing cotton and other products, and sending the same to market: Now, in consideration of services rendered by said Clark to said Lane, the said Lane hereby agrees to pay the said Clark two-fifths of the net profits on such transactions, after his paying all expenses, and return to him his original capital invested, and also the said Lane is to pay John Sanborn for services rendered by him, which is not to be charged as expenses.

“The said Clark hereby agrees to purchase two-fifths of the goods which said Lane shall take down on the first purchase, provided said Lane shall request him to do so at the original cost.

“Witness our hands this 15th day of February, eighteen hundred and sixty-four.

“G. W. LANE.

“B. W. CLARK.”

1780. Do you know anything of that paper ?

Yes ; I know there was a man by the name of Clark, but I do not seem to remember about that paper, or to have seen it before.

1781. Is that your signature ?

Yes, that is my signature.

1782. How did that paper get out of your possession ?

I suspect this is one of the productions of that man McPhail that he took from the table in my room.

The following paper was shown to witness:

“ Memorandum of an agreement made and concluded by and between Geo. W. Lane, of the one part, and A. M. White, of the other part.

“ Witnesseth, that for the consideration hereafter mentioned, the said Geo. W. Lane doth agree to give and pay over to the said A. M. White, of the second part, an equal share of the profits of trading in the products of North Carolina and Virginia, and in the shipping of goods to the same sections of the confederacy, the amounts of profits to be determined and paid after the refunding of the paid in capital to the parties paying in the same ; and in consideration of which, the said A. M. White does agree to pay in to the said Geo. W. Lane, for the purpose of trading in the products of North Carolina and Virginia, under a permit from the Treasury Department of the United States government to bring out the said products, the sum of ten thousand dollars, and the said amount of ten thousand dollars to be refunded out of the first shipments of the products of the above-named sections.

“ In witness whereof we have set our hands and seals, this 16th day of February, 1864.

“ G. W. LANE. [SEAL.]

“ A. M. WHITE. [SEAL.]”

1783. Do you know anything about that paper ?

I do.

1784. Was that signed by you ?

It was.

1785. How did that paper get out of your possession ?

This man stole it, I suppose ; it was in my possession ; I do not know how it was taken, when and where. I have no doubt it was taken at the same time the others were, because it was in the same place.

The following was shown to witness:

“ NORFOLK, February 3, 1864.

“ FRIEND LANE: The authority came to hand last evening, all O. K., and the certified copy also.

“ I have no news to communicate, but I am expecting some every day. Your friend Mr. T. is here ; I will come when necessary, or you can come down if you think best. Did you get the bonds for wife ? She can send the money at any moment.

“ Your friend,

“ B. H. MORSE.”

1786. Did you ever see that letter ?

Yes.

1787. What do you know about it ?

(After several minutes' examination.) I believe it is a paper he wrote me in relation to buying a bond for his wife.

1788. Who is Morse ?

He lives here in this place ; he has been treasury agent.

1789. What is he now ?

I do not know but he is the same now ; I see him about here.

1790. From whom does he hold his appointment ?

I do not know ; I suppose from Washington.

1791. What does this first paragraph of the letter refer to ?

It refers to \$1,100 in money his wife had in a savings bank in Connecticut, and which she desired me to put into a \$1,000 United States five-twenty bond. The bank sent a certificate, certified to, instead of the money ; she desired that I should buy the bond and pay the money, which I did.

1792. What does “ certified copy ” refer to ?

That was from the bank. They do not pay money when called for at the savings bank, unless they have it on hand ; they require some notice. He wrote me that she had got a certificate.

1793. What news does he refer to as expecting every day?

I think that refers to some information that he expected to get at that time from a gentleman who lived out in one of the counties here, who was coming in and was to be introduced to me as an agent to buy cotton; there was something said about such a man. Before Morse was employed in the Treasury Department he went once to Albemarle sound and bought some cotton and made some acquaintances out there; he told me of one there he would introduce me to if he came in.

1794. Had you any business transactions with Mr. Morse?

No, sir.

1795. Was he not interested with you in any shape or form in any of your transactions?

No, not in any shape or form.

1796. He speaks of "your friend, Mr. T.;" to whom does he refer?

I judge that means Mr. Todd.

1797. Who is Mr. Todd?

Mr. Todd was here from New York, formerly from Boston. He once was in trade here in a liquor store.

1798. What was he here for at this time?

He was here, as the saying was, to see if he couldn't grind an axe. I suppose he was here to see if he could not make a dollar.

1799. Do you say that you had no interest with Mr. Morse, directly or indirectly, in any way, shape, or nature?

I have not.

1800. What does he mean by saying "I will come when necessary, or you can come down if you think best?"

It was in relation to the bond.

1801. Was it in relation to coming from Norfolk to Baltimore to see about a \$1,000 bond?

It would seem a little small, but you must make a little allowance in this department for men who have had free passes and expenses paid; they do not put a very high value upon time.

1802. Do you think it would have been worth a journey—even with a free pass—from Norfolk to Baltimore?

I should not want to slander him so much as to say it would; he is a man I have never had any business with any way.

1803. Would not the theory which you now suggest as the explanation of what has been read seem to be contradicted by what follows—"did you get the bonds for wife?"

It seems as if it would, admitting that it would show that the first sentence was intended for some other business, but I never had any other business with him; he may have had some with me.

1804. Have you no idea what that refers to?

(After considerable delay.) It is a pretty evident intimation that he had some authority for me.

1805. Did not he receive some authority for you?

If I can think of any I will tell you. I do not see anything that I have had to do, or any conversation that I have had with him, that would cause him to write that note, the first part of it—"the authority came to hand last evening all O. K." What *can* that refer to? He and his wife both showed me a certificate of indebtedness from the bank, or I cannot say certain whether it was a check or certificate, but this first paragraph does not refer to that evidently; there are two subjects referred to. I do not see what it could refer to.

1806. You knew Mr. Morse?

Oh, yes.

1807. Intimately?

Yes, pretty intimately for a short acquaintance. I have been to his house and he has been to my house in Baltimore.

1808. But you say you have no transaction with him of any kind, shape, or nature?

No, except the transaction I have spoken of in reference to that bond.

1809. Does not that note imply that he had some transaction with you?

It appears to me it does very distinctly.

1810. Did you ever see that letter?

I presume so; I do not know; I might have received it. I do not recognize it in any shape or form as having received it; still I might.

By Mr. Perry:

1811. When did you first go to Baltimore to reside?

In 1861.

1812. Where did you move from?

Boston; I came there in 1861; I do not know when I moved there. I did not bring my family until some time after I came myself.

1813. When did you rent a house in Baltimore?

I think in 1863. I had boarded at the Fountain Hotel for nearly two years before that.

1814. Were you acquainted with Mr. Hildreth before you came to Baltimore?

I was

1815. Were you acquainted with General Butler before you came?

I had seen him.

1816. Did you ever see General Butler or Hildreth in reference to getting Hurst relieved from charges pending before a court at Old Point?

I never did either one of them.

1817. Did you never promise Hurst to get him relieved?

He asked me to do so; I do not know whether I did or not; I do not think I did.

1818. When you testified before the military commission that you sold the cargo of goods that you took up the Chowan river, about the 15th of December, to forty persons, and received from them your cotton, and that you traded exclusively on the right bank of the river, did you tell the truth or a falsehood?

I told the truth.

1819. I ask you the general question, if in any transactions in this department, wherein there have been exchanges of goods for cotton, you know of any interest, direct or indirect, present or remote, on the part of any military authority whatever; if you do, will you state who it is and what it is?

I do not know of any. It would be no answer to say what I have heard reported. I do not know any, of my own knowledge.

1820. Do you know of any consideration being offered or paid for any military permission granted to you in this department or district?

No, sir.

1821. Or any consideration to any military officer for influence in this district or department?

No, sir.

1822. Have you been solicited to give any interest or consideration to any person who you thought would use influence in your favor?

No, sir.

1823. When you stated in conversation just now that if I would ask you a general question you would make a confession, what did you mean?

Not exactly that. I was willing to state what I heard, not that I knew anything. I mean that there are parties here who I have reason to believe have paid money, still I do not know it myself. I could give the names of parties and particulars connected with transactions that I have heard, but of which I know nothing myself—merely rumors that I have picked up from time to time in conversation.

1824. Will you state, then, what knowledge you have from general rumor or from being told the same in conversation in relation to the subject of the questions which have been put to you?

I have learned in that way, so that I think it quite likely that Dr. Robinson has partners here who have paid the military in this department here for favors.

1825. State their names.

Dr. Robinson has, so far as my information goes, been the prime carrier on and caller for these permits, and done all the business.

1826. State the names of persons in the military service who you have reason to believe have received money.

That was the way the remark I heard was worded, exactly; whether it was intended for General Butler or General Shepley I had no way of determining. Logan Hurst told me one day that he had paid I forget how many thousand dollars to Dr. Robinson for influence to assist him in getting out cotton, which was to be used with the military, or something in that way. He did not tell me whether it was General Butler, or General Shepley, or some adjutant general, or who, or how. He made that statement to me. I think he told me that it was eight or nine thousand dollars he had paid; that is my impression.

1827. Is that all you believe from general rumor?

I do not think of anything further now.

1828. Did you say anything to Logan Hurst about General Butler's relieving him from the consequences of his trial, if he would go along and assist you in your last expedition?

Not a word. I told him I believed he would get a decision. He said, "Cannot you go and see the general, and have a decision made, so that I may know what it is?" I replied that I could not do anything.

1829. Was not that a part of the bargain you made with him?

No.

1830. Was Hildreth on board the steamer before you started?

Yes.

1831. What was he there for?

He said he came down there to get some whiskey, because I had better than any one else. He did not say that he came to do any business.

The testimony taken before General Gordon's military commission, adopted by witness as a part of his testimony before the committee, is as follows:

"JANUARY 31, 1865.

"G. W. LANE, after being duly sworn by the recorder, testified as follows:

"Question by Brigadier General Gordon:

"Question. State your full name, residence, and business.

"Answer. George Washington Lane, Baltimore, Maryland; have been contractor with the government since the war, at Washington and Baltimore.

"Question. Do you know the limits of General Shepley's military district?

"Answer. I think I do, but only from general information.

"Question. Have you ever, since General Shepley has been in command of this district, shipped goods, wares, and merchandise, through or from the port of Norfolk, through General Shepley's district, to any place whatsoever; if so, when and where?

"Answer. I shipped from this port a general cargo of goods, through the canal to Albemarle sound and to Chowan county, about the last of June, 1864.

"Question. Is that the only time?

"Answer. Since that time, about the 19th of December, 1864, I sailed from this place, and through Albemarle sound, with goods on board, permitted by General Shepley and treasury agent, to the Chowan river; landed them at Somerton creek and Gatescounty.

"Question. Will you state about the moneyed value of these cargoes?

"Answer. About nine thousand dollars' worth in June.

"Question. The second one?

"Answer. About ten thousand two hundred dollars' worth.

"Question. By whose permit did you ship the first cargo?

"Answer. By the approval of the President of the United States, upon representations made to him by General Butler.

"Question. To whom did you dispose of this cargo and how much of it?

"Answer. About six or seven hundred dollars' worth, and brought the rest back and stored it in this city.

"Question. Did you bring back any of the products of the country at that time?

"Answer. Nine bales of cotton, and between one and two hundred bales of cotton.

"Question. Did you buy this cotton with your supplies?

"Answer. I did.

"Question. Did you carry meat to Edenton?

"Answer. I did—two barrels.

"Question. Whether the transaction at Somerton creek was in conformity with the treasury regulations of September 24, 1864, and the executive order of the President, of the same date, in relation to the purchase of products of insurrectionary States?

"Answer. I do not know those orders by those dates.

"Question. Whether the goods carried to Somerton creek bore any proportion to any products brought by you from any insurrectionary region in that vicinity?

"Answer. The products brought back were 121,640 pounds.

"Question. Under what law, if you know, were you permitted to carry those goods to Somerton creek?

"Answer. Under a general law for the purchase of products of insurrectionary States on government account.

"Question. Does that general law anywhere specify that goods can be carried into any insurrectionary State before the products of that State are brought out; if so, will you point it out?

"Answer. I think it does not read in that form; but it does say, in such parts of States as may be in insurrection, that the treasury agent may appoint places, and there locate agents to purchase the products of the country.

"Question. Will you find in the general regulations inquired of any such instruction, and point it out?

"Answer. I will attempt to find it and bring it in.

"Question. Whether the goods you carried bore in fact any proportion to the products you reported to the treasury agent you had purchased; and if so, what?

"Answer. In the same proportion as eleven thousand dollars would be to 121,640 pounds of cotton brought out.

" Question. How long after you delivered the goods before you brought the cotton out?

" Answer. The agent received the cotton on board before he delivered the goods. The delivery occupied ten days ; at the end of that time all the goods were delivered and all the cotton brought out.

" Question. Of how many persons did you purchase this cotton ?

" Answer. I should think forty.

" Question. Did you deliver goods to each one of these forty sellers in part payment ?

" Answer. I did.

" Question. What protection had you up there ?

" Answer. Nothing but the navy. They sent two boats to Winton.

" Question. Did you see any of the rebel forces ?

" Answer. I did not.

" Question. Do you know where the cotton was raised that you bought?

" Answer. I think a portion of it was Gulf cotton, from its staple, and a portion in North Carolina, also from its staple.

" Question. Do you think any of it was raised east of the Chowan river ?

" Answer. I do not.

" Question. Whether these supplies went for immediate family use, for stores, or where they went ?

" Answer. They went for family use, beyond question.

" FEBRUARY 6, 1865.

" *Examination of Mr. Lane continued.*

" Question by Brigadier General Gordon :

" Question. Give your full name.

" Answer. George W. Lane.

" Question. State the first time you ever got any cotton out of the district of General Shepley through any agency or by any means.

" Answer. I bought some cotton in his command the last days of June, 1864, but I didn't bring it to this port ; I took it to Newbern. I think the first I brought here was in October, 1864 ; it might have been in November.

" Question. How much did you bring ?

" Answer. I think the first lot was sixty-eight bales ; it came in at different times.

" Question. What time in October ?

" Answer. I am not able to fix the day.

" Question. By whose permission was it brought here ?

" Answer. General Shepley's.

" Question. Of whom did you buy, where, and how did you pay for it ?

" Answer. I bought through an agent, at South Mills, and paid for it in North Carolina money.

" Question. Who was the agent ?

" Answer. His name was Wallace.

" Question. Where did you get the money ?

" Answer. I bought it here in Norfolk ; my agent bought some here and some in Baltimore.

" Question. Was there a trading store at South Mills ?

" Answer. Not that I know of.

" Question. When did you get out the next lot of cotton ?

" Answer. After the other lot—about three weeks.

" Question. How much ?

" Answer. Thirty-two bales.

" Question. Where did you get that ?

" Answer. At the same place, from the same party, and paid for it in the same way.

" Question. Where did you get the next lot ?

" Answer. The next lot was about 150 bales, bought at the same place, of the same party, and paid for in the same way. I think that wound up the whole affair.

" Question. When did you get that ?

" Answer. The last of November or the first of December. I procured it of the same parties and paid at the same rate.

" Question. You furnished the funds, in North Carolina money ?

" Answer. My agent did.

" Question. Who was your agent ?

" Answer. Purvis & Co., of Baltimore, brokers.

" Question. They furnished Wallace the money, and he bought the cotton ?

" Answer. Yes.

" Question. Is that all the cotton you purchased in this district ?

" Answer. Yes.

" Question. Was all that purchased by General Shepley's permission?

" Answer. Yes.

" Question. Did you have a treasury permit also?

" Answer. Yes.

" Question. Do you mean to say that all that is covered by the treasury permit?

" Answer. Yes.

" Question. How many treasury permits did you have?

" Answer. Two.

" Question. What was the amount of both of them?

" Answer. There was no amount.

" Question. How many treasury permits did you have to carry out goods?

" Answer. One only under the treasury regulations of September 24, 1864.

" Question. How many bales of cotton did that authorize you to bring in?

" Answer. One hundred.

" Question. Did you bring them in?

" Answer. They are on board the Philadelphia.

" Question. Did that include all the cotton, with what you have spoken of, that you have brought in?

" Answer. No; since then Wallace bought fifty or fifty-two bales more.

" Question. Under what permission?

" Answer. Under a permit from General Shepley to bring it to this port.

" Question. For money?

" Answer. Yes.

" Question. When was it granted?

" Answer. About the 18th of December.

" Question. Did you get any cotton by it?

" Answer. I sent the permit to him and he brought in the cotton, he has told me.

" Question. Where is it?

" Answer. I suppose it to be here.

" Question. You know, don't you?

" Answer. I do not.

" Question. Who does?

" Answer. Wallace.

" Question. Then at the time you got these fifty bales of which you speak the law was in existence that the cotton must be sold to the treasury agent?

" Answer. The military permit was to bring it here to sell to the treasury agent.

" Question. How many permits have you received from General Butler to carry goods into North Carolina or into Virginia beyond our picket lines?

" Answer. I have never received but two.

" Question. How many from General Shepley?

" Answer. One.

" Question. When did you receive this from General Butler?

" Answer. I think it was in March, the 14th, 1864. It was indorsed by the President March 19.

" Question. Did he ever indorse but one?

" Answer. I don't think he did.

" Question. Didn't he indorse one the latter part of December last?

" Answer. I don't think he did. He didn't indorse but one.

" Question. Did it allow you to carry hoop skirts, &c.?

" Answer. No; ploughs, trace chains, and such supplies as might be passed from this post.

" Question. Did you ever make an application to the President to carry cordage, ladies' hoop skirts, &c., into the rebel lines?

" Answer. I never did.

" Question. Are you sure?

" Answer. I don't think I ever did. I never went to see him but once.

" Question. Where is the Philadelphia now?

" Answer. Probably at Roanoke island.

" Question. Have you been down there?

" Answer. Once last and once this year.

" Question. Did these goods go out by permission of the President?

" Answer. Yes.

" Question. They were to go to Chowan county?

" Answer. Yes. The Philadelphia has taken out two cargoes. The second was nine-tenths of the first cargo reshipped.

" Question. Did you carry those goods to Murfree's depot, or near there?

"Answer. I did not. I do not know how near, for I never was up the river before. I did not go myself further than Edenton.

"Question. I wish to know whether that permit was to carry those articles specified hardware and other articles, such as the military commander here might specify?

"Answer. It was.

"Question. Now, under that permit, didn't you carry hats, salt, and army shoes?

"Answer. No.

"Question. Didn't you have a pretty good supply of such things?

"Answer. I didn't have any army shoes at all.

"Question. How much coffee did you carry?

"Answer. About fifteen sacks.

"Question. How much did you bring back?

"Answer. About twelve or fourteen sacks. I carried out about twenty barrels of sugar, and brought back fifteen or sixteen; I carried out twenty-five sacks of salt, and brought back twenty or twenty-two; I carried out eight dozen hats, and brought back four dozen; I carried out six hogsheads of sides, and brought four back. I threw one overboard at Newbern. I think I had about twenty barrels of molasses, and brought back sixteen or seventeen.

"Question. Where did you bring them?

"Answer. To this port.

"Question. Who granted you the permit to carry those specific articles?

"Answer. To the best of my remembrance it was General Shepley.

"Question. That, you think, was covered by the President's permit?

"Answer. I do; the President's permit was in March; the cargo was carried in June.

"Question. That finished that transaction?

"Answer. Yes.

"Question. What did you do with the cotton that you got out in October, which amounted to some 250 bales?

"Answer. Shipped it to New York.

"Question. At that time the law was in existence requiring that to be sold by the treasury agent here, was it not?

"Answer. Yes, that must have been, since the treasury agent was established here.

"Question. Why was not that cotton sold in conformity with the regulations of the treasury agent here?

"Answer. Because that cotton was delivered to me on a contract for a quantity of cotton that I bought of James G. James the 10th of June last, and so was not subject to all the taxes that the cotton bought since was subject to, or even before.

"Question. Who is James G. James?

"Answer. He lives in North Carolina.

"Question. A rebel?

"Answer. No.

"Question. Does he live in the rebel or the Union lines?

"Answer. He lives inside our lines.

"Question. You made the contract with him here in Norfolk?

"Answer. Yes.

"Question. In writing?

"Answer. Yes.

"Question. Where is it?

"Answer. Amongst Macomb's papers.

"Question. When did you make it?

"Answer. About the 10th of June.

"Question. What did you contract to do?

"Answer. To take from such a quantity of cotton.

"Question. What quantity?

"Answer. Three million pounds.

"Question. How many bales would that be?

"Answer. About 7,600.

"Question. You agreed to do what?

"Answer. To pay him so much a pound when delivered.

"Question. Where was he to deliver it?

"Answer. In any region of country between South Mills and Suffolk.

"Question. Did you make a payment on the contract?

"Answer. I made a payment on account.

"Question. Did you suppose that would cover the whole three millions?

"Answer. I supposed it would be enough to make the contract valid. (The witness

further stated that he made this contract with James G. James in Norfolk, who said he owned the cotton, but didn't tell him where it was.)

"Question. You delivered your cotton before you got the goods?

"Answer. Yes, all done within ten or fifteen days.

"Question. For that you have a treasury permit?

"Answer. Yes.

"Question. And you carry out exactly the goods therein specified?

"Answer. Yes.

"Question. This permit to carry out goods was given before you got the cotton in?

"Answer. It was given in Norfolk before I got the cotton in, and was given into the hands of the agent. This treasury permit to carry out goods was put into the hands of a treasury agent, and anticipated the fact of my getting out cotton, who was instructed to give it to me, so that I could get the cotton. I represented that I had the cotton, which I did.

"Question. Was there any military permit to carry out these goods?

"Answer. Yes, on the same paper.

"Question. Did you deliver any of these goods to one J. R. White?

"Answer. I did not.

"Question. Did you ever see him?

"Answer. No.

"Question. How many bales of cotton did you get?

"Answer. I got two hundred and fifty-seven.

"Question. Your permit calls for a hundred. How came you to get more?

"Answer. I bought that with money.

"Question. Have you turned that over to the treasury agent?

"Answer. No.

"Question. Did you intend to?

"Answer. Yes.

"Question. Did you know that this was cotton that belonged to the rebel government?

"Answer. No.

"Question. You knew that it came in confederate wagons?

"Answer. No, I didn't see any wagons; it was brought in boats.

"Question. Have you been a commission merchant for getting cotton shipped to New York?

"Answer. No.

"Question. Have you received any money from R. B. Smith for shipping it?

"Answer. No further than shipping on my own contract.

"Question. What did Smith pay you for?

"Answer. He was part owner in the affair.

"Question. Then you are not alone?

"Answer. I was alone on the James contract.

"Question. What interest did Smith have?

"Answer. Such a portion of the of profits that part that we bought on joint account.

"Question. Did Mr. Hildreth have an interest?

"Answer. No.

"Question. What was Smith's interest?

"Answer. On the part which he might find money to pay for and that I might bring in. It would take a good deal of money to pay for half a million pounds.

"Question. Then you mean to say that, having contracted to purchase three million pounds of cotton, to be delivered at South Mills or Suffolk by one James, in Norfolk, you also agreed to allow one Smith, of Norfolk, a certain interest in proportion to the amount of money that he could furnish and pay for?

"Answer. That was the arrangement with Smith.

"Question. How much money did Smith furnish?

"Answer. He furnished enough to buy that quantity of cotton that was brought in.

"Question. How much?

"Answer. I think probably about two hundred and fifty bales.

"Question. Did he furnish all the money?

"Answer. On that I have not got the cotton that I bought.

"Question. Did Smith furnish all the money that was furnished to pay James at South Mills?

"Answer. He did, all of the lot spoken of.

"Question. Why was it not Smith's cotton, and not yours?

"Answer. He furnished the money, and I bought it under a contract.

"Question. Then are you not a commission merchant?

"Answer. I don't call it so.

"Question. Then you got a contract to buy cotton of James, and you got Smith to furnish all the money, and he paid for all the cotton on your contract?

- " Answer. Yes, so far as he had the cotton.
- " Question. That was all that was delivered in Norfolk and sold in New York?
- " Answer. Yes.
- " Question. Why didn't Smith do this business himself?
- " Answer. So far as I know, it was because he thought I was a better judge of cotton and of business than he.
- " Question. Were the goods that went back Smith's?
- " Answer. They were mine.
- " Question. How much money did you make out of the contract with James and the money furnished by Smith?
- " Answer. About \$2,000.
- " Question. Is that all?
- " Answer. We lost considerable, but taking the whole we made my share was about \$2,000.
- " Question. Who was interested besides Smith?
- " Answer. A man by the name of Lockwood.
- " Question. Who else?
- " Answer. I think that is all of that firm. I think they took in a man by the name of Solon Fisher.
- " Question. Did Hildreth have an interest in it?
- " Answer. No.
- " Question. Didn't Smith & Co. make this contract with James?
- " Answer. No, it was my contract.
- " Question. You got the permission to bring it in from General Shepley?
- " Answer. Yes.
- " Question. You considered that of value?
- " Answer. I did, indeed. I do now.
- " Question. What did you pay for permission to bring in that cotton?
- " Answer. Nothing.
- " Question. What?
- " Answer. Nothing.
- " Question. Do you know E. L. Bishop?
- " Answer. I cannot locate him; the name sounds familiar.
- " Question. Do you know C. L. Cole?
- " Answer. I know a Cole, president of a bank.
- " Question. Are you still of the impression that that transaction, so far as the United States is concerned, was a fair one?
- " Answer. There is no question about it; I shall be able to show that.
- " Question. For whom else, within the department of General Butler or General Shepley, have you acted in the same manner as with Smith?
- " Answer. With Cole.
- " Question. Had he an interest in the same lot of 250 bales shipped to New York?
- " Answer. No.
- " Question. What lot?
- " Answer. The lot of about fifty bales.
- " Question. Where is that lot?
- " Answer. I don't know; I suppose it is here.
- " Question. Was that bought of the same man, James?
- " Answer. Yes, under the original contract, so far as I know.
- " Question. Have you ever shipped any cotton for a man named George H. Johnston?
- " Answer. No.
- " Question. Any for J. C. Jones?
- " Answer. No.
- " Question. Sherman & Brothers?
- " Answer. No; in fact, not for any one else.

General GEORGE H. GORDON recalled and examined.

By Mr. Washburne:

1832. Do you know John D. Sanborn?

Yes.

1833. Where does he reside, and what is his business at this time?

I do not know; he has been in this department. I have heard that he has been appointed a provost marshal, but as he is not a commissioned officer I do not know. He has frequently travelled between Baltimore and Fortress Monroe. I find in this examination that he had

an interest in the store at Coan Jock, which he said was a losing thing, and he made application to me to let him have a portion of the goods to enable him to get out of it.

1834. Was he connected with Adams Express Company?

He said he was.

1835. Do you know his handwriting?

I have a letter before me signed J. D. S., which I believe to be from J. D. Sanborn.

1836. Will you compare the handwriting of that letter with that of the note I now hand you, (note signed "Chicago," quoted in testimony of last witness,) and state whether you believe them to be in the same handwriting?

I have not the slightest doubt of it.

SATURDAY, February 18, 1865.

Members present :

Representatives.
Mr. WASHBURNE,
ELIOT,
LONGYEAR.

HANSON A. RISLEY called, sworn, and examined.

By Mr. Washburne :

1837. What is your position and residence?

My residence is the city of Washington. My position is that of supervising special agent of the Treasury Department, assigned to duty in what is called the seventh agency, and such other duty as may be from time to time committed to me.

1838. How long have you occupied that position?

Since April, 1863.

1839. What is the other duty you refer to?

References in the department of any matter that the Secretary supposes I can attend to. For instance, I have had supervision of the printing bureau for a time. I have had claims and legal questions referred to me for examination, and report; and more recently I was authorized to purchase the products of insurrectionary States, under the law of July 2, 1864.

1840. Where is this seventh district?

It comprises Virginia and the six counties of North Carolina between Chowan river and Albemarle sound.

1841. Where are the headquarters of the district?

The headquarters may be said to be in the department at Washington. The locality named for purchase of products is Norfolk.

How long since you have had authority to purchase the products of insurrectionary States?

Since late in October, I think.

1842. Have any regulations been gotten up by the Treasury Department on that subject?

Yes, sir; the following are the regulations, which have been published :

General regulations for the purchase of products of the insurrectionary States on government account

" I. Agents shall be appointed by the Secretary of the Treasury, with the approval of the President, to purchase for the United States, under special instructions from the Secretary of the Treasury, products of States declared to be in insurrection, at places hereinafter designated, or that may, from time to time, be designated as markets or places of purchase.

" II. The following places are hereby designated as such markets or places of purchase, to wit : New Orleans, Memphis, Nashville, Norfolk, Beaufort, N. C., Port Royal, and Pensacola.

" III. Before entering upon the discharge of their duty, each of the agents so appointed shall execute a bond, with sureties in the prescribed form, in a penal sum to be fixed by the Secretary of the Treasury, conditioned for the faithful discharge of his duty, and that he shall not engage, directly or indirectly, in the purchase of products on private account, nor be, in way, interested in the products purchased by him, or the proceeds or profits arising therefrom.

" IV. The price to be paid for any of the products so to be purchased shall be agreed upon between the seller and the purchasing agent, but shall in no case exceed the market value thereof at the time and place of purchase, nor exceed three-fourths the market value thereof in the city of New York, according to the latest quotations known to the agent purchasing, at the date of the delivery of the products, less a sum equal to the internal revenue tax, and the permit fee prescribed in the regulations concerning commercial intercourse dated July 29, 1864, and also subject to such other deductions to cover transportation, insurance, and other expenses, and to such arrangements for payment as may be prescribed in special instructions to the several purchasing agents.

" V. The proceeds of all sales made by the several agents, together with such funds as

may be transmitted by the Secretary of the Treasury, shall be deposited in the most convenient depository, to the credit of the "purchasing fund," to be disbursed as hereinafter directed.

"VI. Proper instructions shall be given whereby daily quotations and prices current in New York shall be forwarded to the several agents and to the collector and surveyor (as the case may be) of customs at the several markets or places of purchase, by mail, every day, or as often as there shall be mail communication with such agents and collectors or surveyors.

"VII. The purchasing agent shall, to the extent of the funds at his command, and in pursuance of his instructions from the Secretary of the Treasury as to price and terms of payment, purchase all products offered to him of the character or description which, by such instructions, he is authorized to purchase; but no liability of any character shall be authorized or assumed by any agent for or on account of government previous to the actual delivery of the products, other than a stipulation, in the form hereinafter prescribed, to purchase products owned or controlled by applicants, at a price to be agreed upon at the place and date of delivery.

"VIII. Whenever any person shall make application to the purchasing agent, in writing, setting forth that he owns or controls products, stating the kind, quantity, and location thereof, or the date at which they will be delivered at some specified location accessible to transportation, the purchasing agent, if authorized by special instructions to purchase such products, shall give a certificate that such application has been made, and request safe conduct for such party, with the necessary transportation, to the locations specified, and for himself and products in transitu from the points named to such purchasing agent.—(See Form No. 1, appended to these regulations.)

"IX. Parties having sold and delivered products shall, upon their request, be furnished by the purchasing agent with a certificate of the facts, which certificate shall state the character and quantity of the articles purchased, the price paid therefor, the aggregate amount of payment, the place whence and the route by which it was transported.—(See Form No. 2, appended to these regulations.)

"X. All bills or invoices of purchase shall be made in triplicate, after the products purchased shall have been actually delivered to the purchasing agent, their weight, quantity, and rating ascertained and determined by sworn weighers, measurers, or experts; and such bills or invoices shall be certified thereon, as to their correctness, by such sworn weigher, measurer, or expert, and the whole, as to prices and other stipulations expressed therein, certified by the purchasing agent, together with the date of the latest New York quotations known to the agent at time of the purchase.

"The products, with such triplicate bills or invoices, shall then be delivered to the collector or surveyor of customs as the place of delivery, who, on satisfying himself of their correctness, and that the products correspond with the statement set forth in the bills or invoices, shall indorse thereon, over his own signature, a certificate of the facts, which certificate shall authorize payment of the bills to be made by such depository or other disbursing agent at such time and in such manner as shall have been agreed upon, in writing, between the purchasing agent and seller, taking care to authorize payment at a date sufficiently remote to be certain the proceeds therefrom may be realized, and such bills, duly receipted, shall be paid by the depository or disbursing agent named in the certificate as therein stipulated. One of the triplicates so paid shall be immediately transmitted to the Secretary of the Treasury by the disbursing officer, one retained by him, and the other transmitted to the First Auditor, with his monthly account, for settlement.

"XI. Purchasing agents shall keep a full and accurate record of all their transactions, including the names of all persons from whom they make purchases, the date of the purchase, a description of the products purchased, the quantity thereof, specifying the number and character (whether bundles, boxes, hogsheads, or bales,) of packages, and their weight, if in pounds, or gallons, if in liquids, &c., and their quantity, as ascertained and certified to by sworn experts, weighers, &c. A transcript of this record will be transmitted to the Secretary of the Treasury on the first day of each month.

"XII. Sales of products so purchased may be made weekly, at public auction, to the highest bidder, after due notice, at Memphis and New Orleans, and other places hereafter designated by the Secretary of the Treasury, not exceeding in quantity one-fifth of the amount received during the previous week, unless, in the opinion of the purchasing and disbursing agent, and the collector or surveyor, (as the case may be,) the condition of the purchasing fund shall require larger sales than one-fifth; then sales of such further quantities as they may determine to be necessary are hereby authorized, but, in no case, in such amounts as unduly to affect the market. Such additional sales, and the reason therefor, must be promptly reported to the Secretary of the Treasury.

"XIII. The sales herein authorized shall be made by or under the direction or supervision of the purchasing agent, or an agent specially authorized by the Secretary, and all products

so sold shall be delivered by the collector or surveyor (as the case may be) to the parties purchasing them, upon the presentation to him of the bill of sale, certified by the agent, designating the lot, character, and quantity of the products sold, and the price and amount to be paid therefor, together with a certificate from the depository that the proceeds of such sale have been duly deposited with him, and the products so sold shall be allowed transportation to any desired port or place, in a loyal State, free from the payment of any taxes or fees other than such as have been paid under Regulation IV.

"XIV. Any person bringing products for sale to the purchasing agent, desiring to repurchase and transport the same to a loyal State, may give notice thereof at the time of making sale to the purchasing agent; and the agent may, after they have been rated, weighed, &c., as provided above, sell and dispose of such products to the party applying, at prices not less than the market rates at the place of purchase, nor less than the last quotations from New York known to the purchasing agent at the date of the transaction, from which shall be deducted a sum equal to the reduction of purchase price, which may have been made by the agent to cover transportation and other expenses.

"The products so sold shall not be resold, either at public or private sale, until after transportation to a loyal State, or to a foreign port, and shall be liable to forfeiture for breach of this regulation. All products purchased by purchasing agents, the sale of which is not provided for in these regulations, shall be disposed of in such manner as may be directed by the Secretary of the Treasury.

"XV. All products of insurrectionary States which the purchasing agent is authorized by his instructions to purchase, moving with or without a permit, shall, on arrival at a place where there is a purchasing agent, be sold and delivered to him, except captured and abandoned property, and such as may have been produced within the lines of actual occupation by the military forces of the United States, by the labor of the person transporting, or of freedmen or others employed and paid by him, pursuant to rules relating thereto, established under proper authority, or such as were purchased under proper authority prior to July 2, 1864, and were being transported in conformity with the regulations of the Secretary of the Treasury.

"W. P. FESSENDEN,
"Secretary of the Treasury,

"WASHINGTON, D. C., September 24, 1864.

"EXECUTIVE MANSION,
"September 24, 1864.

"The foregoing rules and regulations of the Secretary of the Treasury, having been seen and considered by me, are hereby approved.

"ABRAHAM LINCOLN.

"FORM No. 1.

"I, A—— B——, agent for the purchase of products of insurrectionary States on behalf of the government of the United States at ——, do hereby certify that I have agreed to purchase from C—— D——, of ——, ——; which products, it is represented, are, or will be, at ——, in the county of ——, in the State of ——, on the —— day of ——, 186—, and which he stipulates shall be delivered to me, unless prevented from so doing by the authority of the United States.

"I therefore request safe conduct for the said C—— D——, and his means of transportation, and said products from —— to ——, where the products so transported are to be sold and delivered to me, under the stipulation referred to above, and pursuant to regulations prescribed by the Secretary of the Treasury.

"A—— B——.

"FORM No. 2.

"I, A—— B——, agent for the purchase of products of insurrectionary States on behalf of the government of the United States at ——, do hereby certify that I have purchased of C—— D——, of ——, —— of ——, at \$—— per ——, and that there has been paid him for the same \$——, and that the said —— was transported from —— by way of ——.

"A—— B——.

“ Executive order relative to the purchase of products of insurrectionary States.

“ EXECUTIVE MANSION,

“ September 24, 1864.

“ I. Congress having authorized the purchase for the United States of the product of States declared in insurrection, and the Secretary of the Treasury having designated New Orleans, Memphis, Nashville, Pensacola, Port Royal, Beaufort, N. C., and Norfolk, as places of purchase, and, with my approval, appointed agents, and made regulations under which said products may be purchased ; therefore,

“ II. All persons, except such as may be in the civil, military, or naval service of the government, having in their possession any products of States declared in insurrection which said agents are authorized to purchase, and all persons owning or controlling such products therein, are authorized to convey such products to either of the places which have been hereby, or may hereafter be, designated as places of purchase, and such products, so destined, shall not be liable to detention, seizure, or forfeiture, while in transitu or in store awaiting transportation.

“ III. Any person having the certificate of a purchasing agent, as prescribed by Treasury Regulation VIII, is authorized to pass, with the necessary means of transportation, to the points named in said certificate, and to return therefrom with the products required for the fulfilment of the stipulations set forth in said certificate.

“ IV. Any person having sold and delivered to a purchasing agent any products of an insurrectionary State, in accordance with the regulations in relation thereto, and having in his possession a certificate setting forth the fact of such purchase and sale, the character and quantity of products, and the aggregate amount paid therefor, as prescribed by Regulation IX, shall be permitted by the military authority commanding at the place of sale to purchase from any authorized dealer at such place, or any other place in a loyal State, merchandise, and other articles not contraband of war, nor prohibited by the order of the War Department, nor coin, bullion, or foreign exchange, to an amount not exceeding in value one-third of the aggregate value of the products sold by him, as certified by the agent purchasing ; and the merchandise and other articles so purchased may be transported by the same route and to the same place from and by which the products sold and delivered reached the purchasing agent, as set forth in the certificate ; and such merchandise and other articles shall have safe conduct, and shall not be subject to detention, seizure, or forfeiture while being transported to the places and by the route set forth in the said certificate.

“ V. Generals commanding military districts and commandants of military posts and detachments, and officers commanding fleets, flotillas, and gunboats, will give safe conduct to persons and products, merchandise, and other articles, duly authorized as aforesaid, and not contraband of war, or prohibited by order of the War Department or the orders of such generals commanding, or other duly authorized military or naval officer, made in pursuance hereof ; and all persons hindering or preventing such safe conduct of persons or property will be deemed guilty of a military offence, and punished accordingly.

“ VI. Any person transporting or attempting to transport any merchandise or other articles, except in pursuance of Regulations of the Secretary of the Treasury dated July 29, 1864, or in pursuance of this order, or transporting or attempting to transport any merchandise or other articles contraband of war, or forbidden by any order of the War Department, will be deemed guilty of a military offence, and punished accordingly ; and all products of insurrectionary States found in transitu to any other person or place than a purchasing agent and a designated place of purchase shall be seized and forfeited to the United States, except such as may be moving to a loyal State, under duly authorized permits of a proper officer of the Treasury Department, as prescribed by Regulation XXXVIII, concerning “ Commercial Intercourse,” dated July 29, 1864, or such as may have been found abandoned, or have been captured, and are moving in pursuance of the act of March 12, 1863.

“ VII. No military or naval officer of the United States, or person in the military or naval service, nor any civil officer, except such as are appointed for that purpose, shall engage in trade or traffic in the products of insurrectionary States, or furnish transportation therefor, under pain of being deemed guilty of unlawful trading with the enemy, and punished accordingly.

“ VIII. The Secretary of War will make such general orders or regulations as will insure the proper observance and execution of this order ; and the Secretary of the Navy will give instructions to officers commanding fleets, flotillas, and gunboats in conformity therewith.

“ ABRAHAM LINCOLN.

"GENERAL ORDER }
No. 285. }

WAR DEPARTMENT,
Washington City, October 6, 1864.

"FIRST. The attention of officers and soldiers of the army of the United States, whether volunteer or regular, is directed to the Executive Order dated September 24, 1864, and they will, in all respects, observe the same, and the commanders of all military departments, districts, posts, and detachments will, upon the receipt of this order, revoke all other orders within their respective commands conflicting or inconsistent therewith, and will make such orders as will insure strict observance of this order throughout their respective commands.

"SECOND. All commanders of military departments, districts, posts, and detachments will render such aid to the officers and agents of the Treasury Department in carrying out the provisions of said order, and the treasury regulations therein referred to, as can be given without prejudice to the military service.

"THIRD. Officers of the quartermaster's department, upon written application of the duly authorized agents of the Treasury Department, or of persons authorized by them, may furnish transportation, by land or water, for collecting and forwarding to market articles of produce within the insurrectionary States specified within the aforesaid order, upon such reasonable terms as may be prescribed by the Quartermaster General, where the same can be done without prejudice to the military service, and not otherwise. The application for transportation must be first approved by the commander of the department, district, post, or detachment wherein the articles are received.

"By order of the Secretary of War.

"E. D. TOWNSEND,
"Assistant Adjutant General.

"GENERAL ORDER }
No. 42. }

NAVY DEPARTMENT,
Washington, December 1, 1864.

"The attention of the commanding officers of squadrons, flotillas, and vessels of the navy employed on blockade duty, or in the Mississippi river or other inland waters in the vicinity of the insurrectionary States, is required to the Executive Order hereto annexed, dated September 24, 1864, and they will adopt such measures as may be necessary to insure the strict observance of the order by those under their command.

"The forms of certificates referred to in paragraphs III and IV of the Executive Order are also annexed hereto.

"GIDEON WELLES,
"Secretary of the Navy.

"TREASURY DEPARTMENT, February 6, 1865.

"The port of Fernandina, in the State of Florida, is hereby designated as a place for the purchase of products of insurrectionary States on government account, in accordance with the provisions of the 8th section of the act of Congress approved July 2, 1864.

"W. P. FESSENDEN,
"Secretary of the Treasury.

"EXECUTIVE MANSION, February 6, 1865.

"Approved.

"ABRAHAM LINCOLN."

1843. As agent for the purchase of such products, did you act in accordance with the regulations you have produced?

I intended to do so; my instructions from the Secretary of the Treasury were to act under the law and regulations, and under instructions given to other purchasing agents so far as applicable to my particular position.

1844. What was the course you have pursued in relation to this matter of trade, particularly as regards the granting of certificates?

On parties applying to me and saying they had facilities for getting out products, I satisfy myself they are men of character, and such men as could execute in good faith the contracts entered into. In every case I believe I have made written contracts with the parties defining the rights of the government and their rights, and specifying what was to be done. After making that contract I issued the certificate prescribed by the regulations. Some small purchases were made at Norfolk without written contracts.

1845. The 8th article of the regulations provide that these applications shall be made in writing, do they not?

I never understood that every party making application should do so in writing. I had more or less to do with the preparation of these regulations. Mr. Harrington and myself prepared the first draught of them. The 7th and 8th sections were intended to protect parties having products, against partiality on the part of agents. The 7th regulation directs agents always to purchase, to the extent of the funds in their hands, the products offered to them. The 8th regulation requires that where any person makes application in writing setting forth that he owns or controls products, it shall be received and considered. The object is to prevent the agent from showing favor to one over another, by requiring him to consider the application of any one when made in writing, representing himself as owning or controlling products in the insurrectionary States.

1846. Does not that article require that the person applying to the purchasing agent shall make the application in writing?

I do not so understand it. The language is, "Whenever any person shall make an application to the purchasing agent in writing, setting forth that he owns or controls products, &c." The idea I had of that was, not that the application must necessarily be in writing, but that when made in writing, it *must* be received and considered. The object was, as I said, to protect parties having products in their control against being imposed on by the favoritism of the agent. I remember the discussions when these provisions were made, and perhaps my construction has come from my knowledge of the intent. It was said that an agent could favor a man proposing to get out products in a particular neighborhood, by refusing to buy on some pretence, and then favoring a second party from the same neighborhood; and these two sections were intended to make it obligatory upon the agent to contract and stipulate with any person claiming to own or control products.

1847. Then the construction you gave to it was, that you were obliged to give a certificate to any party making this application in writing?

Yes, sir; any proper person.

But you did not require in any case any application to be made in writing?

I did not require that. I think I may say that a very large proportion of the applications made have been in writing, but I did not require it.

1848. Do you mean that you would give a contract to a man making verbal application, although you had no evidence on record at all as to the location of the products he proposed to get out, or of his having the control or ownership of any products at all?

The written contract itself, which I made with him, would show that, and sometimes his letter of introduction would satisfy me on that point.

Were there ever any other regulations on this subject issued, or did you in any instance require affidavits to be made?

I did not require affidavits.

1849. Were there any instances in which affidavits were made?

I do not remember. Parties may have presented affidavits that they owned cotton; I think I have such on file; I could not state that with certainty without looking at papers.

1850. Did you have anything whatever to show in these cases that the party owned or controlled these products except his own assertions?

No; sometimes not; sometimes he would bring others with him to certify for him.

1851. What rule were you governed by in making these contracts and granting these certificates?

I was governed by a strong wish to stimulate the cotton trade. I judge from the appearance of the man, from his surroundings and from those who brought him to me, of his fitness and ability to engage in an enterprise of the kind. When parties have satisfied me that they had facilities or could command facilities in the shape of capital or otherwise, to carry on an enterprise for bringing out cotton, I made contracts with them.

1852. Is this a statement which you transmitted from the Treasury Department to the Senate?

Yes, sir; one I furnished the Secretary to transmit. It is as follows:

Statement of contracts made by H. A. Risley, agent authorized to

Names of parties with whom contracts have been made.	Persons recommending contracts to be made.	Date of contract.	AMOUNT AND DESCRIPTION			
			Cotton.	Turpen- tine.	Rosin.	Tar.
			Bales.	Barrels.	Barrels.	Barrels.
D. Cromelien & Co.....	Hon. Thomas Corwin ..	Nov. 4, 1864				
B. F. Camp, J. Maddox, and D. P. Parr.		Nov. 13, 1864		340	700	
Levi, Brooks, and Camp.....		do.....	7,000			
David O. Laws.....		Nov. 14, 1864	10,000			
Augustus R. Wright.....		do.....	500			
Alexander W. Harvey.....		Nov. 15, 1864	30,000			
D. Randolph Martin.....		do.....	6,000			
T. C. Durant.....		do.....	4,100			
D. B. Grant.....		Nov. 16, 1864	12,000			
J. B. Fassett.....		do.....	20,000			
Rodney W. Daniels.....	Hon. R. E. Fenton.....	Nov. 17, 1864	10,000			
John W. Dyer.....		do.....		4,000		
George W. Gage.....		do.....	10,000			
Moore, Conalty & Co.....		Nov. 25, 1864	15,000			
M. N. Twiss.....		Nov. 29, 1864	5,000			
Mary P. Cecil.....		Dec. 1, 1864	5,000			
Henry Thompson.....		do.....	1,000			
Jas. O. P. Burnside.....	Col. Jeffries and others.	Dec. 3, 1864	10,000		5,000	5,000
John Carew.....		do.....				
F. W. Bixby.....	C. H. Stedwell, custom- house, New York.	do.....	2,000	*2,500		
J. H. Maddox and W. R. Lount.	Hon. Jos. Segar.....	do.....				
Do.....	do.....	do.....		2,000	2,000	
A. O. Brummel.....	John L. Reese.....	Dec. 5, 1864	5,000	2,000	2,000	
E. W. Gould.....	M. N. Falls.....	Dec. 6, 1864		*6,000		
Hooper C. Hicks.....	Surveyor of Baltimore and others.	do.....	3,000		2,000	2,000
Leonard Swett.....		Dec. 7, 1864	50,000			
Do.....		do.....	50,000			
Do.....		do.....	50,000			
G. W. Lane.....		Dec. 19, 1864	100			
Do.....		Dec. 20, 1864	1,000			
Wm. J. Daviess.....	—— Coleman.....	do.....	2,500			
Hooper C. Hicks.....		do.....	45			
Do.....		do.....	50			
Jas. O. P. Burnside.....		do.....	100			
Salmon B. Colby.....	Hon. W. Helmick.....	do.....				
T. Osborne Oliver.....		do.....	15,000			
Do.....		do.....	10,000	2,780		
Philo Durfee.....	H. A. Tucker.....	Dec. 22, 1864	2,400			
Thomas Lucas.....		do.....				
Cyrus M. Allen.....		Dec. 24, 1864	12,000			
Robert Lamon.....	Ward H. Lamon.....	Dec. 27, 1864	5,000			
Do.....	do.....	do.....	40,000			
Do.....	do.....	do.....	5,000			
Charles K. Hawks.....	Hon. Geo. Ashmun.....	do.....	10,000	2,000	2,000	
Do.....	do.....	do.....	62,000	5,000	5,000	5,000
Leonidas Haskell.....	B. F. Camp.....	do.....	20,000			
Nathaniel F. Potter.....		do.....	3,000			
Horace H. Meloon.....		do.....	10,000	3,000	3,000	3,000
Wilson, Gibson & Co.....		do.....	100,000			
Chas. D. Chase.....		do.....	5,000	3,000		
E. D. Webster and A. N. Shearer		Dec. 30, 1864		5,000	5,000	5,000
Peter Lawson.....	Gov. Andrew.....	Dec. 27, 1864	1,000			
Do.....	do.....	do.....	1,000			
Do.....	do.....	do.....	1,000			
Alonzo Brett.....		Dec. 21, 1864	3,000	3,000	1,000	
Jephtha White.....		Dec. 27, 1864	10			
Wm. H. Stiner.....		Dec. 30, 1864	50			
Frank E. Winslow.....		do.....	200			
H. A. Harney.....		Dec. 27, 1864	100			
R. K. Cobb.....		Jan. 3, 1865	200			
Fergus Pennington.....		do.....	17,500			
H. C. Hicks.....		do.....	100			
Chas. S. Palmer.....		Jan. 5, 1865	50			

purchase products in insurrectionary States on government account.

OF PRODUCTS, MATERIAL, &C.				Where represented as situated.	When to be delivered.
Pitch.	Tobacco.	Lumber.	Miscellaneous.		
<i>Barrels.</i>		<i>Feet.</i>			
	2, 100 cases.			Northumberland county, Va.	On or before Jan. 1, 1865
	3, 000 boxes.			Virginia and N. Carolina . . .	On or before Apr. 1, 1865
				Mississippi and Louisiana . .	On or before Mar. 1, 1865
				Virginia and N. Carolina . . .	On or before July 1, 1865
				Rome, Georgia	On or before Mar. 1, 1865
				Florida	do
				do	On or before Jan. 1, 1865
				do	do
				do	On or before Feb. 1, 1865
				Louisiana, Arkansas, Miss. .	On or before Mar. 1, 1865
				Florida and N. Carolina . . .	do
				Alabama	On or before July 1, 1865
				Mississippi and Louisiana . .	On or before Mar. 1, 1865
				Miss., La., Ark., Texas . . .	On or before May 1, 1865
				Tennessee and Louisiana . .	do
				North Carolina	On or before Mar. 1, 1865
				do	do
	50, 000 lbs.			Virginia and N. Carolina . . .	On or before May 1, 1865
	100, 000 lbs.			Western Virginia	do
				North Carolina	On or before Mar. 1, 1865
	500 boxes.			Virginia and N. Carolina . . .	do
				do	On or before May 1, 1865
	2, 000 boxes.			do	do
				do	On or before Mar. 1, 1865
2, 000	2, 000 lbs.		250, 000 shingles.	do	do
				Ala., Tenn., Ark., Miss . . .	do
				Tenn., Miss., La., Texas . . .	do
				Louisiana and Mississippi . .	do
				Chowan river, N. C	On or before Jan. 19, 1865
				do	On or before Mar. 20, 1865
				Newbern, N. C	On or before Mar. 5, 1865
				Elizabeth City, N. C	On or before Jan. 20, 1865
				South Mills, N. C	do
				do	do
	140, 000 lbs.			Virginia	On or before Mar. 1, 1865
				Florida and N. Carolina . . .	do
	300 hhds.			Virginia and N. Carolina . . .	do
	3, 000 boxes.				
				North Carolina	do
			300 tons hay, 3, 000 turkeys, 500 hogs, 1, 200 chickens, 2, 000 lbs. butter, 500 cords wood, 100 bush. corn, 500 bush. apples.	Loudon county, Va	On or before Apr. 1, 1865
				Tennessee and Alabama . . .	On or before May 1, 1865
				La., Ala., Miss., and Texas .	On or before June 1, 1865
				Fla., S. C., Ala., Ga., Miss .	do
				Tenn., Miss., Ark., La	do
	3, 000 boxes.			Alabama and Mississippi . . .	On or before Apr. 1, 1865
	5, 000 boxes.			Georgia and Florida	do
				Va., N. C., S. C., Ga., Ala . .	On or before May 1, 1865
	3, 000 boxes.			North Carolina	On or before July 1, 1865
				do	On or before Apr. 1, 1865
				Florida, Georgia, Alabama . .	On or before May 1, 1865
	2, 500 boxes.			N. C., S. C., Ga., Fla	do
5, 000		2, 000, 000		Florida	On or before Apr. 1, 1865
				Roanoke river	
				Neuse river	
				Pamlico river	
				Beaufort county, N. C	On or before Feb. 21, 1865
				Newby's Bridge, N. C	do
				Perquimans county, N. C . . .	On or before Mar. 30, 1865
				do	On or before Apr. 30, 1865
				Elizabeth City, N. C	On or before Mar. 27, 1865
				do	On or before Mar. 3, 1865
				Louisiana and Mississippi . .	On or before Aug. 1, 1865
				Hinton's Landing, N. C	On or before Apr. 4, 1865
				do	On or before Apr. 5, 1865

Statement of contracts made by H. A. Risley, agent authorized

Names of parties with whom contracts have been made.	Persons recommending contracts to be made.	Date of contract.	AMOUNT AND DESCRIPTION			
			Cotton.	Turpen- tine.	Rosin.	Tar.
			<i>Bales.</i>	<i>Barrels.</i>	<i>Barrels.</i>	<i>Barrels.</i>
Robt. E. Coxé.....	.....	Jan. 5, 1865	50,000	10,000	.....	.....
Samuel Noble.....	.....	Jan. 6, 1865	250,000	.....	.....	.....
Francis V. Haskins.....	.....	do.....	20	.....	.....	.....
P. H. Whitehurst & Co.....	Gov. Pierpoint.....	do.....	50	.....	.....	.....
Alonzo Brett.....	.....	Jan. 16, 1865	200	200	200	.....
J. O. P. Burnside.....	.....	do.....	60	.....	.....	.....
H. C. Hicks.....	.....	do.....	100	.....	.....	.....
George T. Wallace.....	.....	do.....	50	.....	.....	.....
L. B. Wilson.....	John G. Stephenson....	Jan. 24, 1865	.....	.....	.....	.....

* Barrels naval stores.

At what price.—By the terms of the several contracts the products are to be sold under the direction of the agent, in the same manner and upon the same conditions as other sales of the like public property are made. No payment to be made until after sale of products, and no liability of any kind incurred on behalf of the United States.

Out of the proceeds are first to be paid all expenses, costs, and charges connected with the transportation and sale of products, together with the internal revenue tax and permit fees; and of the net proceeds, over and above such expenses, costs, charges, taxes, and fees, one-fourth part to be paid into the treasury of the United States and three-fourths to the sellers.

A copy of one of the contracts is submitted herewith, all of them being substantially in the same form.

In contracts where products are to be brought out by way of western rivers, they are to be delivered to purchasing agent at Nashville, Memphis, or New Orleans, and the contract to be executed by them under the regulations and their instructions.

to purchase products in insurrectionary States, &c.—Continued.

OF PRODUCTS, MATERIALS, &C.				Where represented as situa- ted.	When to be delivered.
Pitch.	Tobacco.	Lumber.	Miscellaneous.		
<i>Barrels.</i>		<i>Feet.</i>			
.....	10,000 boxes. 10,000 hhds.	.....	.....	Va., N. C., S. C., Ga., Fla., Miss., N. C.	On or before July 1, 1865
.....		.....	.....	S. C., Ga., Ala., La.	On or before Jan. 1, 1866
.....		.....	.....	Camden county, N. C	On or before Mar. 6, 1865
.....		.....	.....	Elizabeth City, N. C	do.....
.....		.....	200,000 staves. 10,000 shingles.	Craven county, N. C	do.....
.....		.....	.....	Elizabeth City, N. C	On or before Mar. 17, 1865
.....		.....	.....	do	On or before Mar. 16, 1865
.....		.....	.....	Pasquotank county, N. C ..	On or before Mar. 17, 1865
.....	500 boxes. 100 bales.	.....	.....	Virginia	On or before July 1, 1865

NOTE.—The persons above mentioned did not, in all cases, solicit or recommend the making of the contracts, but introduced the parties to the agent, or commended them to his consideration. In some cases the agent had personal knowledge of the parties; in others he cannot recollect any individual as having introduced them, but he was, in some manner, assured of the respectability of the contracting parties, and had reason to believe that they owned or controlled products and enjoyed facilities for getting them out.

1853. Do you know the number of bales which you have contracted to purchase?

I have not footed up the amount. I know the number is very large; I believe something over 900,000 bales.

1854. What evidence did you have as to the ownership and control of this large amount of cotton?

I had no evidence except the representations of parties that they could deliver large quantities. I fixed the quantity generally as they asked it, thinking that the more that they could get the better. I did not make it a point at all as to the quantity in making these contracts. I do not know that I ever limited any one, although I may have had my opinion as to the ability of parties to get out the quantity they asked for.

1855. What evidence, for instance, had you in the case of Samuel Noble, who seems to have a contract under date of January 6, 1865, for 250,000 bales?

Some time ago Mr. Noble came to me representing himself as from Georgia. He brought a card from the President asking me to confer with him. We had just taken Savannah. He represented himself as living at Rome, Georgia; as having been largely engaged in merchandise; as having acquaintances in New York of character, and as coming from a large number of planters who wished him to make some arrangements at the north for getting cotton to market. He represented himself as having learned that we had some new regulations about cotton; as acting in behalf of a large number of planters owning a large quantity of cotton which they could get out. He made me believe he would get out a great deal of cotton.

1856. What was the character of the card you received from the President?

It barely said, Mr. Risley will please see Mr. Noble, of Georgia.

1857. Did Mr. Noble bring any letters to you?

No, he did not bring any letters to me. He had a letter from a clergyman in Rome, Georgia, to a New York gentleman, who I knew by reputation, though I did not know personally—a Mr. George W. Quintard. The clergyman who wrote the letter was a brother of Mr. Quintard. Mr. Quintard came with him to me and treated him with great respect. He said he knew him and had dealt with him heretofore. He said he was a man of character and means.

1858. Did he make any application in writing?

No, sir.

1859. Did he make any statement in writing as to where this vast amount of cotton was?

He made no written statement except the recitals in the contract.

1860. Have you that contract with you?

I have; it is as follows:

“Memorandum of agreement made January 6, 1865, between H. A. Risley, agent on behalf of the United States, under act of July 2, 1864, of one part, and Samuel Noble, of Rome, in the State of Georgia, of the other part.

“Whereas the said Noble now owns between seven and eight thousand bales of cotton, about eight hundred bales in Selma, Alabama, twelve hundred and fifty-six bales in Mobile, two hundred in Rome, eighteen hundred in and about Savannah, Georgia, and between four and five thousand in and about Augusta, Georgia, and has understandings and negotiations pending with various parties in the States of Alabama, Georgia, South Carolina, and Florida, and at Memphis and New Orleans, for other large quantities of cotton which he expects to be able to sell and deliver to said Risley, agent as aforesaid, as hereinafter provided, the said parties have entered into the following agreement, to wit:

“The said Noble agrees to deliver to said Risley, agent as aforesaid, or to some person acting for him, at Fernandina, Pensacola, Port Royal, Mobile, Huntsville, Alabama, Jackson, Mississippi, Savannah, Brunswick, Chattanooga, Tennessee, and New Orleans, two hundred and fifty (250) thousand bales of cotton on or before the first day of January, 1866, it being expected that said Noble will be able to get proper passes through the military lines for the purpose of obtaining said cotton, and free passage returning with the same, under the general regulations and executive order for that purpose, or such other military orders as may be obtained through the agency of said Risley.

“And the said Risley, agent as aforesaid, agrees to receive the said cotton at the localities above specified, and in such quantities from time to time as the said Noble may be able to deliver, and to forward the same to the city of New York, where such cotton shall be sold from time to time under the direction of said Risley, agent as aforesaid, and George W. Quintard, agent on behalf of said Noble, and in the manner likely to make the same most productive.

“And it is further agreed between the parties, that out of the proceeds of the sale of such cotton shall be first paid all expenses, costs, charges, and government dues, and the balance of such proceeds shall be disposed of as follows: one-fourth part shall be retained by

said Risley for the United States, and three-fourths to be paid to the said Noble or his legal representatives.

"And it is further agreed by and between the parties that the cotton transported by said Noble for fulfilment of this contract shall be consigned to said Risley, agent as aforesaid, and shall be shipped on government transports, or if not so shipped, shall be in charge of some person acting for said Risley, agent as aforesaid, whose compensation and expenses shall be paid out of proceeds of said cotton.

"And the said Risley further agrees that all proper facilities and passes shall be furnished to said Noble from military officers commanding for the purpose of obtaining said cotton and bringing it through the lines, and safe conduct within the lines, and for returning with thirty-three and one-third ($33\frac{1}{3}$) per cent. of the value of cotton delivered in supplies not contraband of war, as provided in General Regulations and Executive Order of September 24, 1864, it not being contemplated in any event to violate the blockade, but cotton to be transported only through such ports as have been or may be opened by proclamation of the President.

"And the said Noble hereby stipulates and agrees that he will not engage in any prohibited trade, or transport or attempt to transport products from the insurrectionary States, except for fulfilment of this contract, or transport or attempt to transport supplies to States declared in insurrection, except under proper military permits, obtained on certificate of the purchasing agent, as provided by the Regulations and Executive Orders, and that all products, goods, wares, or merchandise transported by said Noble from insurrectionary States to loyal States, or from the loyal States to States declared in insurrection, in violation of regulations, or except for fulfilment of this contract, shall be forfeited to the United States.

"H. A. RISLEY,

"*Sup. Spec. Agent Treasury Department, authorized to purchase products, &c.*

"SAMUEL NOBLE"

1861. Do you know what parties, if any, in New York or elsewhere, were connected with Mr. Noble?

I do not. He did not say he had any, except that he represented planters in the south.

1862. Did he say where he was to get his capital?

He stated that he could get his cotton out without any capital.

1863. Did you ever have any other conversation about this matter, except with Mr. Noble and Mr. Quintard?

No, sir.

1864. Did you ever hear of any parties being interested in Mr. Noble's contracts?

No, sir.

1865. Did you have any further knowledge than you have stated in regard to Mr. Noble? Not any at all. I was favorably impressed by him.

1866. Where did he come from when he came to you?

He came from Washington when I was in New York.

1867. Where did he come from when he came to Washington?

He represented himself as coming direct from Savannah.

1868. Had you any evidence of his loyalty?

No, sir, except what I got from Mr. Quintard.

1869. Did Mr. Quintard know anything about that?

Mr. Quintard said, I think, that he knew him.

1870. Was this contract made with Mr. Quintard or Mr. Noble?

It was made with Mr. Noble. I do not remember that Mr. Quintard was present at all. I do not think he was.

1871. Is Mr. Quintard set forth in this contract as the agent of Mr. Noble?

Mr. Quintard was to be his agent to look after his interests in New York in regard to cotton which was sent to New York, and transact his business for him.

1872. Who is Mr. Quintard?

I think he is a merchant and a ship-owner. I cannot quite give his business, though I have known of him for years as a prominent merchant or business man. I never met him before.

1873. Do you know of anybody being connected with Mr. Quintard?

I did not see anybody with him. I cannot even remember the name of his firm.

1874. Do you not think that a quarter of a million of bales of cotton is a very large amount?

Yes, sir, a very large amount.

1875. What would be its value at \$1 per pound?

Very large, but I supposed the larger the better, as it was desirable to bring in cotton.

1876. Then the only knowledge you have of Mr. Noble is from Mr. Quintard, who was the agent of Noble?

He was made his agent after the conversation I had with Mr. Noble. He consented to act as agent to see that the cotton was properly sold.

1877. Had you not reason to believe that he was interested as a partner of Mr. Noble?

I do not remember of a word being said to that effect.

1878. And interested with a large number of other parties?

I have no knowledge of that.

1879. Would it not take a vast amount of capital to bring out that amount of cotton?

His plan would not require any considerable amount of capital. He proposed to collect the cotton from the planters and ship it to New York. It would not necessarily require a large amount of capital, because the cotton would not be paid for, to planters, until sold in New York.

1880. Had you any evidence or knowledge that this man had not been in arms against the government?

I had not.

1881. Did you require any evidence as to the loyalty of any man coming from the dis-loyal States?

I do not now remember any coming from rebel States except him. I usually inquired enough to satisfy myself that the persons making the application were men of character. I do not recollect that I asked Mr. Noble if he had been in the rebel army. From an hour's conversation with him, after I met him, I came to the conclusion I could have faith in him. If he told any truth, he was a loyal man. He told a great many interesting things about Sherman's march. I had not any doubt about his being a friend to the government.

1882. I see from this report that contracts were given to Robert Lamon. Who is Robert Lamon?

I do not know him. I may have seen him. The contract was made with Marshal Lamon for his brother, as he represented him to be.

1883. Did Robert Lamon make any application for a permit?

Not personally. It was made through the marshal.

1884. Was Robert Lamon or the Marshal himself the real party, and Robert Lamon's name put in as a cover; why did not Marshal Lamon put in his own name?

Marshal Lamon came to me and said that his brother, Robert Lamon, wanted to engage in this cotton trade, and asked me if I was making these contracts with all that applied. I told him I was with all applying who I thought could accomplish anything. He said this man wanted to make a contract, and I made it with him.

1885. Have you that contract?

I have. It is signed by nobody but myself. I think I must have another contract, and that this is in the bundle by mistake.

1886. Was there any order of the President connected with this?

I think there was. You will understand, however, that these contracts were entirely outside of the regulations; still I intended to have all contracts made in writing and all the parties sign them.

1887. Do you not have to make a contract for the purchase of the cotton?

The regulations do not require a formal contract; the agreement may be merely verbal.

1888. Then there has to be a contract made?

The certificate given is that I have agreed to purchase and that the parties agree to deliver. I think there was an executive order in this case, of which I can furnish a copy.

1889. From this printed document it appears that Robert Lamon had three separate permits or certificates. Was there more than one contract made?

No, there was only one contract that I remember. The contract was to deliver cotton at three different points, and a certificate was given for each point.

1890. I see that contracts were also made for 150,000 bales of cotton with Leonard Swett. Have you that contract here?

Yes, sir.

1891. What facilities had Mr. Swett for getting out cotton?

He represented to me that he was forming combinations and making arrangements for getting out a large amount of cotton; that he had been in consultation with various persons who were here in Washington, who controlled large quantities of cotton, and he was getting up a grand scheme for getting it out.

1892. Do you know who his associates were?

I once saw two or three of them in New York, but I cannot remember the name of one of them. I do not know certainly that they were his associates. They were Boston men. It was after the contract had been made that I saw them. He said he had a large company with, I think, 3,000,000 dollars capital, organized; that they were to take a million dollars

with them in greenbacks. When I met him in New York he said he had his arrangements all made; he brought two or three gentlemen into my room who said they understood that some new regulation had been made which cut off the executive orders, and they wanted to know how it was. I explained the amended regulation as not affecting them.

I see the name of George W. Lane in this printed list as having received a contract; upon whose recommendation was that contract made?

There was no written contract made with him by me; the arrangement was made in Norfolk by Mr. Farrington, who was acting for me. I knew something, however, of the man; there is no contract with him among my papers at all.

1893. Why was it put down here in this list?

After I received the resolution of the Senate, I immediately sent to Norfolk to find what had been done there, and, as they were my contracts, I incorporated into my report everything that was reported to me as having been done, and among them was this Lane transaction. The contract with him was a mere verbal one, I am informed.

1894. Do you know of Lane being engaged in contraband trade and being court-martialled?

I knew that he was tried, but I was told that he was acquitted, and, on final adjudication, discharged. He was tried in North Carolina and fined; the matter was afterwards referred to a military commission, and the fine which had been imposed was remitted and the money refunded. So I have been informed, but I have no knowledge of the matter.

1895. Do you know where this man is now?

I saw him in Norfolk the other day.

1896. Was he under duress?

Yes.

1897. Under what charge?

I do not know what; I know he was before a military commission there in reference to a cotton transaction.

1898. Who is the Mr. Farrington you speak of?

DeWitt C. Farrington has been in Norfolk since General Butler's administration.

1899. What was his position there?

He was at the head of the gas-works as one thing; he was public auctioneer as another. These, I believe, are the only two capacities in which I have known him.

1900. Was he connected with the Treasury Department at one time?

He has been lately acting as my agent or clerk in purchasing products. The first I knew of him was from a conversation I had with General Butler in the cars. I told him that I had been authorized to buy cotton, and asked him if he thought I could get any out of Norfolk. He said there had not a great deal come out there, but he thought there would. I remarked that if there was much to do I could not attend to it personally. He said he had already appointed a man there to act until appointment was made by the Senate—a man by the name of Farrington; that he was an excellent man, and I had better employ him. He spoke in this way of him. I had never seen Mr. Farrington then. About the same time Mr. Fessenden went to Norfolk, and on his return told me that this cotton matter was going on at Norfolk; that there was an agent buying there under General Butler's authority, and that he had already made some 25,000 dollars, which was to be turned in to the treasury. We spoke of it as a piece of good fortune to have accumulated a fund to that extent without risk or knowledge on our part. I said to Mr. Fessenden this is the man General Butler had recommended. I do not know that Mr. Fessenden assented to my engaging Farrington, but he had this knowledge of it.

1901. Where was Mr. Farrington from?

I think from Massachusetts—perhaps from Lowell. I am not sure of it.

1902. Were you before a military commission at Norfolk?

Yes, sir.

1903. On what subjects?

They asked me a few questions. They inquired particularly about trade-stores out in North Carolina, and the division of authority between the treasury and the military. The point of the inquiry was where the treasury had supervision of the trade there, or if it was mainly left to the military authority.

1904. How was that?

That was left almost entirely to the military authorities.

1905. Was there any further question asked you in relation to a conversation with General Butler?

Yes, sir; there was an inquiry made as to whether I went to see General Butler and had a conversation with him about a store in connexion with a man by the name of Henry McKay, and whether he made any conditions about it.

1906. What was your answer?

My answer was that there was not any at all. General Butler never suggested anything

of the sort. I told him there were two or three trade stores established out in the country, and that Mr. McKay expected me to intercede for him; that he was a very good man; that he supposed that I could arrange it so he could have a store. General Butler said there was no objections to Mr. McKay having one of the stores out there, and referred the matter to General Shepley. That was about all that was said, and that was about the extent of the examination.

1907. Will you state whether a contract was made with Conatty and others?

Yes; I remember the contract; it is given in this list at 15,000 bales.

1908. What was the date of that contract?

November 25, I think.

1909. Was there more than one contract made with these parties?

No, sir.

1910. Is the paper which I hand you a certificate you gave?

Yes, sir.

1911. Be good enough to state the number of bales.

This is for 50,000.

1912. Is it the same contract you before referred to?

The same paper.

1913. How do you account for the discrepancy?

When this statement was made up it was made by Mr. Conatty himself, who had been pretty familiar with the whole thing. I got him to help me. He said nothing to me about there having been any change at the time of making up this report; consequently it went in at 15,000 bales. I remember that as the original number in his contract. He came back after his examination here and asked me if I remembered his proposing to enlarge his contract, and asking me if I had any objection to his increasing the number of bales. I remember that I said he might increase it as much as he pleased. We had that conversation, and I suppose I knew the number was to be enlarged. I do not know if I knew of this alteration in the certificate.

1914. Was that alteration made after the paper was executed?

Yes, sir.

1915. What was the President's order upon that certificate—did it cover 50,000 or 15,000 bales?

The President never looked at it; but still I may state the fact, that when he signed it it was for only 15,000.

1916. Was the proposed alteration ever submitted to the President?

It was not.

1917. What authority had you to change the order of the President?

Not any authority. If my attention had been called to the matter I would have seen the impropriety of the alteration without submitting it to the President. I do not suppose that my attention was particularly called to it. I knew that Conatty was making arrangements to enlarge the amount.

1918. Did you, so far as you recollect, authorize him to make that alteration on the President's order?

I authorized him to make the alteration in the contract, but I do not think I would have altered the President's order without submitting it to him.

1919. Will you look at the contract which you have referred to, and say if it has been so changed?

There has been a change of from 15,000 to 50,000 bales. I think I knew of that.

1920. What do you state in regard to the change in the certificate which has the order of the President on it?

I have no recollection about that. I think that if I had seen that a paper that the President had signed was to be changed, I should have submitted it to him. I was pretty busy then, and did not have my attention called specifically to every item of business.

1921. Do you recollect at what time the alteration was made?

I think, perhaps, about two weeks after the contract was made.

1922. Was it not about the 5th or 6th of January?

Perhaps that was the date.

1923. Had you not prior to that time ceased to any extent giving out these contracts which had the order of the President upon them?

There was a time when I held up.

1924. Was it not considered a matter of very great importance to him, you having held up in this matter, that he should have a larger amount?

He represented that he could make arrangements for a larger amount of cotton, and I did not object to it. I did not know the contract was of great value.

Will you state who these parties are—who is Conatty?

Conatty had been a clerk in the Treasury Department, assigned to my room.

1925. Who was Wm. Helu ick?

When he came there Mr. Helmick was in the Pension Bureau, and was represented to me as a former member of Congress from Ohio.

1926. Who was Moore?

Moore was a resident and, I think, merchant of Washington. I do not know much of him, except that he was a resident of Washington.

1927. Do you know whether these parties, after enlarging the amount of cotton by changing the certificate, sub-let or sold out a portion of their contract?

Conatty told me he was making some arrangements, but I had not supposed that it was closed.

1928. What do you know of a certificate, having the President's order, that was given to Lazare and others?

I know there was one obtained for Lazare and others, but never given to him; there was some misunderstanding in reference to it, but I do not know what. Lazare came and told me that he was going to have nothing more to do with it, but the other parties could do with it what they pleased.

1929. Did the certificate which I hand you go into the hands of any person or persons?

Yes, I think Camp took it out of the office. I do not remember much of this. I knew that a change was made in the name. I remember that Lazare told me before the contract was executed that he did not want to have anything to do with it, and that the other parties could do what they pleased with it, and that this Lovie was introduced in his place by the other parties.

1930. Does this certificate, which is signed by you, appear to be altered or changed?

Yes.

1931. In what respect?

Lazare's name was erased and Lovie's name inserted in his place.

1932. Were the words "and Louisiana" inserted afterwards?

That I cannot tell.

1933. Then I understand you to state that your certificate was issued to Mr. Lazare?

It was not issued.

1934. Was not this certificate, when it went out of your hands in the first place, in the name of Lazare, Brooks & Camp?

It may have gone out of the office for a few days, but it was not considered as delivered for use.

1935. The point is, that after the 17th of October, which is the date of the President's order, this paper did not go into the hands of Lazare, Brooks, Camp, or other of them?

Camp, I think, took it for some purpose.

1936. Do you know when this alteration was made by the erasing of Lazare's name and insertion of Lovie's?

I knew of that alteration, but I cannot tell when it was.

1937. Where was it done?

Somebody spoke to me in New York and said he wanted to bring Lovie into the contract in the place of Lazare, and I assented to it.

1938. Will you state if the name of Lazare was in the President's order?

It seems to have been.

1939. Can you state whether the name of Lazare was erased and that of Lovie inserted with the knowledge or approval of the President?

No, sir; it never was submitted to him that I know of.

1940. What right or authority had Conatty, or any other person, to erase the name of Lazare in the certificate of the President, and insert that of Lovie?

It should not have been done.

1941. Could not he instead of putting in the name of Lovie as well put in the name of Judah P. Benjamin, which would have made the President give an order to the military and naval forces to permit Judah P. Benjamin to take out cotton?

I see the impropriety of it plainly, and I want to say, in reference to myself, that I think I should have seen that impropriety at the time if it had fairly been brought to my notice; and while I saw no objections under the circumstances I have stated to putting in the name of Lovie in the place of that of Lazare in the contract, yet, when it came to altering the certificate signed by the President, I should have obtained his permission before doing it; at the same time I have no idea but what Conatty was authorized in doing what he did.

1942. Was not the alteration of the records of the department in truth and in fact a forgery?

It was the alteration, with the consent of all the parties, of a paper that had not been delivered, and therefore had no legal existence. I had Lazare's permission to strike out his name and arrange with the others.

1943. Do not I understand you that this instrument went into the hands of one of the parties?

I do not think it was in the hands of Camp as a valid instrument. I know I was surprised when I found it had gone out of the office.

1944. Has it ever been back in the department or into your possession or control since it was first delivered?

Perhaps this paper has not. I have one that looks just like it.

MONDAY, *February* 20, 1865.

Members present :

Representatives.
Mr. WASHBURNE.
ELIOT.
LONGYEAR.

HANSON A. RISLEY appeared and examination continued.

By Mr. Washburne :

1945. Have you, since your last examination, found out anything additional in regard to the partially executed contract with one Robert Lamon?

Yes, sir ; I have found that the paper produced on Saturday was a contract originally made with Mr. Lamon and reduced to writing, but not executed ; that before any paper was actually executed, he concluded to increase the amount, and to get out cotton in different localities. A new contract was therefore made and executed, a statement of which is in the report which has been printed. The contract which I have here is the contract between the parties, and is for 50,000 bales. The paper produced on Saturday was in the bundle by mistake.

1946. How many certificates were issued on this contract?

There were three certificates issued, one intended for each place of delivery of the products.

1947. Do you know anything of a contract being made with Thomas C. Durant?

Yes ; that was one of the first that was made.

1948. What knowledge have you in regard to it?

I made the contract with Mr. Durant myself. He came to my room in the Treasury Department, and said the Secretary sent him there for me to confer and make arrangements with him, and produced papers showing that he owned cotton. I made a written contract with him, and gave him a certificate under the regulations, and prepared an executive order. I did not get the signature to the executive order.

1949. Was the signature ever obtained to it?

Yes, sir ; I think so. I left the paper in the hands of a lawyer by the name of J. B. Stuart, who was with Mr. Durant when he came to me, and I supposed he obtained the signature of the President. I never knew.

1950. Have you any further knowledge about this contract with Mr. Durant?

Mr. Durant told me, since his examination before the committee, something of which I had no knowledge at the time the contract was executed. At that time he showed me some papers by which I thought he had some cotton under his control, and that he could get it out.

1951. Do you know of his making any arrangement with Beverly Tucker?

I did not know of it at that time at all. I never heard of it until recently.

1952. What have you heard recently in regard to the matter?

He told me since the examination here that he had had various conversations and some correspondence with parties, and that Colonel Baker and others, with an understanding with the War Department and the knowledge of General Dix, went, or sent, to Canada and communicated with Beverly Tucker, all of which was new to me. I saw Colonel Baker at the Astor House in November, I think. He told me that he was discovering what he called "improper cotton transactions," which he would like to talk with me about, and wanted me to meet him at his rooms. We did not, however, meet ; my recollection is that I called at his room, found him out, and left my card. The conversation I had with him was in the hall. He appeared to think he was making important discoveries, but did not make such explanation as made much impression on my mind. I do not think he mentioned Durant's name.

1953. What was the purport of the conversation?

The purport was that some parties were undertaking a cotton scheme with rebels, or were concocting a grand cotton scheme with rebels.

1954. Do you understand that it was in connexion with contracts granted by the Treasury Department?

I do not think he said that to me. I remember that Baker seemed to be in earnest about it ; that he said that he had something important to communicate to me about it ; still, I

did not exactly get at what he was driving at, and I do not think I attached much importance to it. I do not think he mentioned any name. He may have done so. I intended to meet him and find out what he referred to, but I came off that night.

1955. Are you able to state the amount of the cotton that has actually been purchased under these contracts?

I can find all the returns to the department.

1956. Can you approximate the amount without referring to the records of the department?

Not very nearly. I suppose from 5,000 to 10,000; but that estimate may be very wide of the mark.

1957. What amount of money up to this time has the government actually made by these cotton transactions?

That I cannot tell; I can tell what has been made under my agency; about \$75,000, aside from the internal revenue tax and permit fees—say about \$85,000 all together.

1958. How will the amount received, in your estimation, compare with the amount received by other agents?

I do not see their reports; I saw one report of Mr. Ellery, in which he showed a profit, I think, of \$150,000, and that may be a month ago.

1959. Has Mr. Ellery the same authority to make contracts and grant certificates that you have?

Yes, sir; substantially.

1960. Does Mr. Ellery have upon his certificates the order of the President?

No; he does not.

1961. Why not?

I can explain just how the practice came up; the regulations were made, and the general orders signed, on the 24th of September, 1864; I obtained the President's signature to them, but he required me not to publish them or consider them in force until the orders of the War and Navy Departments for carrying out the regulations and his orders should be obtained. The Secretary supposed that these orders would immediately follow. Mr. Ellery and Mr. Cutler were appointed agents. Various instructions were gotten up for them. We were at work for a week or two getting up instructions for different officers, who were to have a part in the business, defining their duties, &c. Some time passed away without getting orders from the War or Navy Department, and on inquiry it appeared that opposition had sprung up to the scheme—I never heard from whom exactly; generals in the field feared or believed that the plan would interfere with military operations. There was a hesitation, at any rate, in some of the military departments which was not the fact in others. On the coast, where there were no military operations in progress at that time, which was also true perhaps in some other portions of the country, a different feeling to some extent prevailed. There was no such objection to the scheme. The President was urged to make that order specifically, in individual cases, to enable persons to get out their cotton, and he yielded to that request. At his suggestion I prepared specific orders in some of the cases, containing part of the government order, which were signed by the President.

1962. Then the specific order of the President may be considered as rather exceptional?

Yes; it was so considered at the time. He had no idea of making any specific orders after the general regulations should be put into force. In the mean time there had been at least twenty cases in which the order had been made, sometimes signed by him rather reluctantly. He sometimes requested that I would come to him instead of the parties for his signature. He said I took up less of his time.

1963. Why was it that all parties did not take their chances under the regulations made for the government of everybody?

The general regulations were suspended from the 26th of September until about the 1st of December, and it was during this time that most of the special executive orders were made.

1964. How many were given in all?

I should think perhaps forty.

1965. Were not these certificates, that had the special orders of the President on, regarded as much more valuable than others?

They grew to be so towards the last. I do not know that they were considered so at first; but, subsequently, parties came and said there had been so much delay and misunderstanding about the general order that they could not accomplish much under it. But if they had the President's autograph they said military officers would respect it.

1966. Then the object was to get some special advantage by obtaining these certificates?

That was probably the object. It was to obtain something parties could not accomplish under "general orders."

1967. Were they not considered very valuable if the certificates had the executive order on them?

I find now that they are ; I did not know then that they were so considered.

1968. Was not that the reason that Conatty's contract was changed from 15,000 to 50,000 bales ?

It would be worth more, of course. Conatty informed me he could make large arrangements and wanted a larger contract.

1969. What is there to prevent every man now, who has one of the certificates with the order of the President on it, from enlarging it to an indefinite amount ?

He would have to come to me, and, after what has been said, I should be more cautious than I have been. I never did make the matter of the amount of cotton stated in a permit an important point. I supposed the larger the amount they got out the better.

1970. What is the department now doing in relation to these matters ?

There is pretty nearly a suspension in reference to them at the department. The Secretary directed me substantially not to do anything out of Virginia and North Carolina, or where products would naturally go to Norfolk. Other agents are buying as before. No large contracts have recently been made

Since this examination has there been any ?

I think not any.

1971. What orders have you now from the Secretary of the Treasury in relation to this matter ?

To suspend, except in Virginia and the parts of North Carolina trading at Norfolk, and to be more cautious—only contracting where better evidence is furnished of ownership or the ability of the parties to get out products.

1972. I understand the estimate you have made is that you have contracted for something like 930,000 bales. How much cotton do you suppose there is in the south ?

I suppose something like 4,000,000 bales in the confederacy. That is, however, the merest conjecture ; I have not paid great attention to the subject. I have heard the estimates of parties at something like that amount ; there is supposed to be a part of two or three crops there.

1973. You have spoken of the amounts received by the government from the district you are in, and also the district Mr. Ellery is in. Can you estimate the amount received from the other districts ?

No, sir, I have not seen the reports of Mr. Cutler. Mr. Ellery's came into my room by accident.

1974. Do you know of other agents having been recently appointed ?

I believe one has just been appointed for Fernandina.

1975. Do you know at whose instance the appointment was made at Fernandina ?

I pressed the appointment as a matter of relief for me. I myself had made these contracts, because there was no other agent on the coast. I had urged the appointment of agents. The Secretary had delayed making them. When I came back from New York I found that an agent was to be appointed for Florida. I do not know that I understood any one particularly had been to press the appointment on the Secretary, but he determined to make the appointment. I had urged it as the means of having somebody there to receive products and make these contracts.

1976. Do you know whether this agency was in any way connected with the venture of Wilson, Gibson & Co. ?

I do not. That was one case in reference to which I urged the appointment of an agent to receive the cotton purchased.

1977. What do you know of the contract with Wilson, Gibson & Co. ?

I made the contract with them, so I know all there is of it, I suppose.

1978. How many bales is that contract for ?

One hundred thousand bales, I think.

1979. Was this contract with Wilson, Gibson & Co. made before the appointment of an agent at Fernandina ?

Yes, sir. A month before, I suppose.

1980. What agency did Wilson, Gibson & Co. have in the appointment which was made ?

I do not know that they were ever consulted in any way.

1981. Did they send attorneys here to get that matter accomplished ?

Wilson, Gibson & Co. had attorneys here about that time ; but one of their objects was, as they told me, to get the Secretary of War to make an order in aid of their contract. It is possible, however, that they urged the appointment of an agent for the coast. I do not know of their urging it upon the Secretary.

1982. Do you know what has been done under the contract of Wilson, Gibson & Co. ?

Yes, sir, they have sent goods down to Fernandina, and have sent agents there to commence operations.

1983. Do you know of the amount of goods taken out by them ?

I understood they had a cargo ready to take down. I did not learn the amount.

1984. What kind of goods?

I knew nothing about them, except that they understood that they were limited by executive order to goods "not contraband of war," and not prohibited by the War Department.

1985. What do you understand now to come within the meaning of the War Department of "not contraband of war?"

That is a very vexed question, that I have studied more than most people. I have tried to find that out. We had in the regulations of the Treasury Department a list of what was called "prohibited articles," which came from the War Department; but I do not suppose they define precisely what are to be considered articles contraband of war. The following is the list of articles which were included in the old Treasury regulations:

"No clearance or permit will be granted for the shipment of prohibited articles, viz: cannon, mortars, fire-arms, pistols, bombs, grenades, powder, saltpetre, sulphur, balls, bullets, pikes, swords, boarding caps, (always excepting the quantity of the said articles which may be necessary for the defence of the ship and of those who compose the crew,) saddles, bridles, cartridge-bag material, percussion and other caps, clothing adapted for uniforms, sailcloth of all kinds, hemp and cordage, intoxicating drinks, other than beer and light native wines, or other articles prohibited by the proper authorities, except upon certificate and request, under Paragraph XXXII, or by special direction of the supervising special agent, sanctioned by the general commanding department or district into or from which the shipment is to be made."

That was the list made up by Mr. Chase in preparing the regulations. Those regulations have since been superseded by others subsequently issued. Mr. Chase asked the War Department to define what were called "munitions of war," and for that reason, among others, I never considered that list as covering everything contraband of war. In connexion with this subject I will here produce a copy of a letter written by the Secretary of the Treasury to the Secretary of War. I prepared the letter without suggestion from any one, and the Secretary signed it. I thought it was important to have a definition from the War Department, as without that local military officers would settle the question wherever it arose, and there could be no uniformity:

TREASURY DEPARTMENT, *December 1, 1864.*

SIR: The executive order of September 24, 1864, concerning the purchase of products of insurrectionary States, directs that any person having sold and delivered to a purchasing agent any products of an insurrectionary State in accordance with the regulations in relation thereto, and having in his possession a certificate setting forth the fact of such purchase and sale, the character and quantity of products, and the aggregate amount paid therefor, as prescribed by regulation IX, shall be permitted by the military authority commanding at the place of sale to purchase from any authorized trader at such place or any place in a loyal State merchandise and other articles not contraband of war, nor prohibited by order of the War Department, nor coin, bullion, or foreign exchange to an amount not exceeding in value one-third of the aggregate value of the products sold by him, as certified by the agent purchasing; and the merchandise and other articles so purchased may be transported by the same route and to the same places from and by which the products sold and delivered reached the purchasing agent, as set forth in the certificate; and such merchandise and other articles shall have safe conduct, and shall not be subject to detention, seizure, or forfeiture while being transported to the place and by the route set forth in said certificate.

I have the honor to transmit herewith a list of articles constituting "munitions of war," as defined in the War Department, and will thank you to add to it such other articles as are by you regarded contraband of war, or as have been prohibited by order of the War Department, so that the list of contraband and prohibited articles may be complete, and in order to insure uniformity in the several military departments in carrying out the regulations.

Very respectfully,

W. P. FESSENDEN,
Secretary of the Treasury.

Hon. E. M. STANTON, *Secretary of War.*

1986. Are there regulations in regard to provisions?

No; that was one of the very things I endeavored to ascertain definitely about. I found that provisions were not always considered contraband of war, although they were sometimes, and under some circumstances.

1987. Was there any rule or regulation in regard to the shipment of provisions, pork, flour, bacon, coffee, sugar, candles, &c.?

None specially that I know of, unless they were included in some order of the War Department. The War Department would occasionally send us some order on the subject, which we would immediately transmit to all the collectors. I do not recollect seeing any order prohibiting the shipment of any of the articles you have named.

1988. Can you make a rough estimate of the amount of money the government has received from this trade in cotton, so far as you are able to do so, from your observation?

It would be a mere guess. I should be surprised if it exceeds, at this time, three or four hundred thousand dollars.

By Mr. Eliot:

1989. Have there been any parties connected with those who have obtained permits, except those you have mentioned?

I have never known who the parties were. I had supposed these parties had associates. I had supposed, for instance, that Mr. Swett had his associates; he told me so.

1990. Have you had any reason to believe that any parties connected with the department were interested in any way?

Not the slightest; I have never known any such thing to any extent whatever. I want to say, for you will understand that I am, to a certain extent, myself on trial, that I do not know that there has been any favoritism shown in the contracts that have been made. I do not know that anybody has come to me, up to the time I was directed to suspend, who has not got substantially what he wanted. I was hard at work making these arrangements, in connexion with other labors. I was made a sort of breakwater to this cotton-tide. My rooms were filled with everybody wanting to make arrangements, or ascertain what arrangements could be made, for getting out cotton. I do not suppose that I have been entirely wise in everything I have done, but I have intended to act properly.

1991. In dealing with parties in New York, concerning these permits, have you had any reason to suppose there were persons interested who expected to deal directly with the rebels?

I have had no reason to think that. Parties have sometimes asked me if it was the policy of the government to buy products from across the lines. I have said that I have so understood it; that I supposed that was the intention of the law. They have asked me if I made it a condition that the products purchased should not come across the lines. I have said that I would not inquire into the antecedents of the cotton brought to me.

1992. Have you had reason to think that, under these permits, provisions of various kinds required for the rebel army were carried out?

No; I supposed the strictest guard would be kept over that by the military officers in issuing permits. It will be remembered that permits for carrying out supplies are obtained under the executive order from the military, and not the treasury authorities.

1993. Would it be possible to carry articles into the rebel country, in pay for cotton, to the amount you have named, if everything really "contraband of war" was excluded?

Parties selling products are only allowed to take back $33\frac{1}{3}$ per cent. of the value sold in supplies. It is supposed that two-thirds would be paid in money. I never supposed that the full quantity of cotton, for which contracts had been made, would be brought out—I hoped it would. I know that very large contracts have been made, but I do not think my attention was called to that point until this inquiry. I never stopped to debate that matter in my own mind.

By Mr. Washburne:

1994. What, from your whole observation and knowledge, taking into consideration the very trifling amount the government has received from this trade, is your judgment as to its policy?

I see the difficulties plainer than I did at first. I understand fully, without impeaching their motives, the objections on the part of military officers to allowing this trade to go on through their lines. They look upon it from a military stand-point alone. I see difficulties about it which I did not see, perhaps, at first. I do not know if much good is going to grow out of it. I have supposed it of vast consequence to get out cotton, and, if there could be co-operation on the part of the military and naval authorities, a large quantity could be got out.

1995. Do you mean of vast consequence to the treasury, or to the parties getting it out? I mean to the government, in a financial point of view.

1996. To what extent is this to benefit the government, if they have only received up to this time, according to your estimate, four hundred thousand dollars?

So far as that is concerned we are only just in the beginning of the trade.

1997. Can you tell me, if you have any knowledge of it, what recent orders have been made from the War Department or military authorities in regard to this trade?

I heard, in Norfolk, that orders had been issued prohibiting anything going out from there. I have not heard anything elsewhere, except what was published in General Canby's orders.

GEORGE W. QUINTARD called, sworn, and examined.

By Mr. Washburne :

1998. State your residence and business.

I reside in the city of New York, and am a manufacturer of steam engines.

1999. Have you, since the breaking out of the rebellion, been connected in any way in trade with the rebel States?

No, sir.

2000. Have you any connexion with any parties who are engaged in trade with the rebellious States?

I have not.

2001. Are you interested in any way with any parties who have obtained from the government permits or certificates to purchase cotton?

I am acting as attorney for a man who has a permit.

2002. Have you any interest in that permit?

No interest whatever; I have a power of attorney to act for this party.

2003. Have you that power of attorney with you?

I have not.

2004. Who is the party?

Samuel Noble.

2005. What was the purport of this power of attorney?

It was the usual power of attorney to act in his absence.

2006. Who is Samuel Noble?

His residence is, I think, Atlanta, Georgia.

2007. How long have you known him?

Some six weeks, I think.

2008. What do you know of him?

I did not know the man at all. He came to me, and said he was Samuel Noble. I had heard him spoken of. I told him that if he would identify himself as being Samuel Noble I had no objection to acting for him. He had done business in New York before the rebellion broke out, and brought me several parties to identify him as being the man. He gave me his power of attorney to act for him for any business he might want done.

2009. Did the power of attorney state what the business was?

It was a general power of attorney to transact business.

2010. Did it refer to any cotton permits?

No.

2011. Was it intended to cover that?

It was.

2012. Was he a man of any means?

He had been a man of means before the war broke out.

2013. How long had he been out of the rebel lines?

Some six months.

2014. Where had he been all this time?

In the West. His family was in Pittsburg, I think. He had been in New York a part of the time.

2015. Who were his associates in New York in these cotton permits?

I cannot tell that. I do not know.

2016. Did you ever have any conversation with him about it?

He had a conversation with me about it when he got the permit.

2017. Did you ever see his permit?

Yes.

2018. What was it for?

It was for the purchase of 250,000 bales of cotton.

2019. What arrangements had he to make this purchase?

The arrangement was that the cotton was to be sent to New York. The government was to receive twenty-five per cent. aside from expenses. Of the balance he was to have twenty-five per cent., and the remainder was to go to the man he purchased from, who was to receive one-half.

2020. Was that so stated in the permit?

No. That was an arrangement he made.

2021. Who were the parties with whom he made these arrangements in the city of New York?

He did not make any arrangements with any one except me.

2022. Was it not necessary for him to raise money?

I let him have \$900 to pay his personal expenses.

2023. Was that all the capital he had to get out 250,000 bales of cotton?

He did not expect to advance any money on the cotton.

2024. Had you not some interest in the cotton?

No; not in the cotton.

2025. Have you none in this transaction?

I had nothing to do with the permit, and no interest in it.

2026. Where is Mr. Noble now?

At Savannah.

2027. How long has he been at Savannah?

About three weeks.

2028. Have you heard from him?

Yes.

2029. Has he got any cotton?

The last letter I received from him stated that some 243 bales of cotton had been put in his hands, that is all.

2030. Is that all out of the 250,000 bales?

Yes.

2031. Did Mr. Noble never intimate to you in any way who his associates were in this transaction?

He attended to all his business of getting a permit. I do not know how he operated or through what channel he operated.

2032. What led him to select you as his agent particularly?

I have a brother, a minister, in the South, with whom Mr. Noble was very well acquainted, and who married him, and when he came to New York came directly to see me, having heard of me through my brother.

2033. Did he bring a letter from your brother?

Not directed to me.

2034. How did you know that your brother married Mr. Noble?

Mr. Noble told me so.

2035. Did you ever hear your brother speak of him?

He spoke of him in his letters to me.

2036. When were these letters received?

The last letter I received was some time last summer.

2037. Have you not heard from him in relation to Mr. Noble since last summer?

No, sir.

2038. How did he happen to speak of Mr. Noble?

My brother was anxious to get some property saved for him, and wanted if I could do anything for him to do it.

2039. Was Mr. Noble outside of the lines at that time?

He was in the rebel lines.

2040. Did he come out of Atlanta before the city was taken by our troops?

I think not. Mr. Noble was an Englishman.

2041. Was he not a rebel as well as an Englishman?

No. I think not—in fact, I know not. He had never taken any interest in politics. He remained there because his property was there. He had a rolling-mill.

2042. And that is the only knowledge you have of the Noble transaction of any description?

That is all.

2043. Do you know of any other matter connected with the trade with the rebellious States?

No. I have not had anything to do with any operations in the south in any shape or form.

By Mr. Eliot:

2044. Does it make any difference to you whether Mr. Noble succeeds or fails in this matter?

No, sir. Only to the extent of \$900.

2045. Then your compensation does not depend upon that?

No. I am merely acting for Mr. Noble as a friend, whose property was all destroyed at Atlanta.

2046. Not for any compensation?

Not at all. I have no claim upon him.

2047. Do you know in what way this cotton was to be paid for?

It was to be paid for on its arrival in New York. There was to be no money paid in the south.

2048. Were no articles to be carried into the rebel lines in payment?

None at all, I think.

2049. Were they all to be paid for in New York in money?

The permit reads, I think, that he should have permission to take goods, "except articles contraband of war," to any port that was opened to trade.

2050. Do you know whether he had made any arrangement to carry goods?

He had not made any arrangement.

2051. Was the cotton all to be obtained in Georgia?

In any part of the South where he could get it.

2052. What points did the permit cover?

The whole Southern States, wherever he could get cotton out through the lines.

Colonel L. C. BAKER called, sworn, and examined.

By Mr. Washburne:

2053. Please state your residence and position.

I reside in Washington, and am special agent of the War Department. I have charge of the National Detective Police.

2054. How long have you occupied that position?

Since February, 1862. Previous to that, since July, 1861, under Mr. Seward, of the State Department.

2055. Have you at any time had any knowledge or connexion with the subject of trade with the rebellious States? And if so, state what knowledge you have, what connexion, and what persons you know of being engaged in it.

In the month of November last, previous to the election, while I was stopping at the Astor House, New York, I was approached by Mr. Haskell and Mr. Latham, for the purpose of procuring a permit to get Beverly Tucker from Canada, and pass him through our lines. I was told by Latham and Haskell, that Mr. Durant, Mr. Dole, Ward Lamon, and Mr. Swett had made application to the President to procure a pass to allow Beverly Tucker to pass through our lines, ostensibly for the purpose of seeing his family, but really for the purpose of assisting them in getting cotton out. I gave them no direct answer at that time. I came to Washington, saw Mr. Dana, the Assistant Secretary of War, gave him verbally the conversation I had had with these gentlemen, and told him I was satisfied they were attempting to use me for improper purposes; that I was satisfied there was a great deal of irregularity and rascality in regard to these cotton permits. He gave me his sanction, and the approval of the War Department, to make such arrangements and such investigations as I thought proper. I returned to New York, and was introduced to Mr. Durant by Latham and Haskell. Durant wanted me to go to Canada, and bring Tucker to his house in New York, to remain six hours, alleging that he could make his arrangements with Tucker in five or six hours. I was then to take Tucker, and cross him over the Potomac, below here, and take him within the rebel lines, for which I was to receive a contingent interest in all the cotton got out under this arrangement. I came back to Washington, and reported to Mr. Dana, of the War Department, detailing to him the conversation I had had. I then met Latham and Haskell. Haskell gave me a note for \$1,500, which was to be received by me in payment of personal expenses and incidental expenses incurred in getting Tucker through the lines. The note was signed by Haskell. There was appended to it, on the same sheet of paper, a memorandum or agreement, between Haskell, Latham, and Durant, as to what Durant was to do. I understood from Latham that Durant refused to sign the note for me, but gave Haskell a guarantee, in the shape of an order, for the amount he should pay to me. There was also a letter given me from Mr. Latham. I carried that letter of Latham's, the statement of Haskell, and the note, to Mr. Dana, who, I suppose, has them still; I left them in his possession. I was to have met Tucker at St. Catharine's, opposite Niagara Falls. I was to have met Tucker, George Sanders, and Jake Thompson. I took one of my detectives, by the name of John Odell. I had an order from the War Department in my pocket, and Odell had an order from General Dix, for the arrest of these parties; when Tucker came across the bridge with me he was to arrest us both. I stopped at the falls, and sent a despatch over to St. Catharine's, to ascertain if Tucker was there. I received an answer to that despatch, signed by a man by the name of Cox, stating that Tucker was not at St. Catharine's, that he had gone to Montreal, but that he, Cox, would see me. I went over the suspension bridge that day, and remained all day on that side; but Mr. Cox did not come. While at the bridge, I do not recollect whether I had a despatch or a letter that the parties were at Montreal. I immediately returned to New York; and, instead of going to Durant, and reporting to him, I came direct to the War Department, and reported to Mr. Dana. I informed Mr. Dana that I was going to Montreal, with his approval, for the purpose of getting Tucker. On my way to Montreal I stopped at New York, to see Durant. In the mean time, the report had been circulated by Tucker and Sanders that Stephens, the rebel vice-president, was on his way to Montreal, and they gave that as the reason why they left St. Catharine's, and why they did not see me—that they

wanted to see Stephens first. I had a long conversation with Durant in New York. When I went into his room he locked the door. He had heard the story with reference to Stephens being in Canada. He said, whether the report was true or not, there could be a fortune made out of it by certain operators in gold on Wall street, if they had definite information that Stephens was there or on his way; that when I got to Montreal, if I would send a despatch that Stephens was there, and send it to no one else, he would make \$100,000, one-half of which was to be placed to my credit. He sat down, in my presence, and wrote a long letter to Tucker, which I carried to Tucker myself. I took Odell to Montreal, with the expectation of getting Tucker through the lines at Rouse's Point, where Odell had his instructions to arrest him. I arrived at Montreal some time during the morning, went to the St. Lawrence hotel, wrote a fictitious name on a card, as from Washington, and sent it by a waiter. The waiter came down, and told me to walk up to a room, which was not Tucker's room; Tucker was in bed. The room I was taken to was Sanders's room. Tucker, after a few moments, came in. He said he had received advices from Durant that I was expected there, and that he had sat up nearly all night awaiting my arrival. He was glad to see me. He hoped now that his cotton operations would come to a focus. He had been in correspondence with Durant for a long time, but had failed to bring him up to the mark. He did not want to be engaged in it until the contract was signed by Durant. He was afraid that if Durant had him through the lines, and got him in his power, he would not divide the profits with him. He had written to Durant several times, asking him to make a contract that should be executed. I asked him if he was ready to go through the lines. He said he was; said he, "I suppose this thing is understood: I understand that, from what Durant has written me, you are all right; that you have the means of carrying out this operation, and, if I go with you, I will be personally safe." I told him that I had an understanding with Durant. He sent down stairs for Sanders. Sanders came up, and they went into another room, and were gone for, perhaps, an hour. I was not present at that interview. Tucker came back and said, "That, under the advice of his friends, he did not think he would go; that he was not satisfied with the way Durant was treating him. That Durant had failed to make a written contract with him; and that, while he was willing to trust me, he would decline to go south until the contract had been executed." He then asked me a great many questions as to parties who were interested with Durant, and a great many other questions I do not recollect. He asked me to go and dine with him. We went to a saloon, and had dinner. I spent the afternoon with him. He treated me very handsomely. He was to have met me at Rouse's Point. This was on Friday. He was to have met me at Rouse's Point on the Sunday night following; but when I got to Rouse's Point I received advices from Washington to come home, and I came home.

2056. Was that the end of the whole thing?

That was the end of the whole thing.

2057. What advices was it that brought you home?

It was some matters of my own, in reference to an investigation I was conducting in New York.

2058. And you did not wait for Tucker?

I did not wait for this reason, not so much on account of my own business as because I believed Tucker would not come.

2059. Do you know whether he did come or not?

I do not.

2060. What took place afterwards?

I did not call on Durant when I came back to New York. I came direct to Washington. I found Latham, Haskell, and two or three others, who, it appears, knew I had gone to Canada. They came and asked me if Tucker had come with me. I said no, that Tucker refused to come for the reason that he was not satisfied with the way Durant had treated him; that he thought Durant was trying to get the advantage of him, and he would not come. During the time I was carrying on this operation I became very well posted as to all their plans. It appeared that it was known among all the cotton speculators, and they would come to me and talk with me confidentially about the matter.

2061. You say you took a letter written by Durant to Tucker. Can you state the contents of that letter?

It was simply introducing Colonel Baker, and asking Tucker to come on with him; that he was satisfied he could trust himself in my charge; asking him to come with a view of perfecting a contract. It was a long letter; I do not recollect the whole of it.

2062. Did you ever see any other letter from Durant to Tucker?

Yes, sir.

2063. What were its contents?

I saw a number of letters in the hands of Tucker. He showed them to me. They were all in reference to cotton speculations.

By Mr. Eliot:

2064. Were they signed by Durant and addressed to Tucker?

Yes, sir.

2065. What did the letters state?

They were in reference to cotton, and in reference to Tucker's coming south. Durant writes in one letter that he had secured sufficient influence to procure a permit from the President. I am not certain, but I think he gave the names of the persons who would go to the President and get this permit.

2066. Do you recollect who they were?

I do not recollect who they were; my impression is that Randolph Martin was one, and that Mr. Swett was another. He also, in his letters, stated that there would be a fortune made out of these cotton permits if he (Tucker) could be passed through the lines.

2067. Was there anything said in any of these letters in regard to military movements?

I think there was, in general terms, but I would not undertake to say that. I tried to get possession of some of these letters, but I did not succeed; I was not on the right side of the lines.

2068. Did you ever see the letters written by Tucker to Durant?

Yes; Durant, I think, read me one letter from Tucker, but I do not recollect what it was. I think he read portions of two or three letters. In talking with Durant about his arrangements with Tucker in this cotton trade, he told me what Tucker wanted, and some of Tucker's suggestions as to how the thing was to be done, and then read me portions of letters.

2069. State what it was.

I do not recollect what it was. This was at the first interview I had with Durant, and I did not attach as much importance to it as I did afterwards.

2070. What appeared to be the object of Tucker? Was it to make money for himself, or for the purpose of getting supplies to the rebels; was he acting as a rebel agent, or for himself individually?

He told me he was an agent of the rebel government, and in speaking of that government he always used the expression, "our government," and that "our government" was willing to let cotton come out, and that "our government" was willing to do so and so. These were the expressions he used.

2071. Did he appear to be acting for himself, making a private speculation of this matter, or as an agent of the rebel government for the purpose of letting cotton go out and letting supplies come in?

I inferred, from all his conversation, that he was an agent of the rebel government.

2072. What supplies were talked about? In what was this cotton to be paid for?

There were several articles mentioned. I think pork and bacon were spoken of. I think in one of the letters Durant read to me from Tucker, Tucker mentioned pork; I am sure of it. My position was such with these parties in relation to the whole matter that I could not get papers into my possession. I could not attempt that, as that would have defeated my object. My sole purpose was to catch Tucker.

2073. Was this transaction contemplated to be upon a large scale?

Very extensive.

2074. How large?

I do not know. Tucker told me he could get 500,000 bales out. He told me that there were about 60,000 bales on the Tombigbee river. The man, he said, was in Canada, and had been talking about that lot of cotton. He described it to me, and also how it could be gotten out; that boats were to run up for it, and that he (Tucker) had exclusive control of that cotton. That was to be a portion of the cotton gotten out in this transaction.

2075. Did you understand, during this time, that Durant was acting with the assent of the War Department or government in making these contracts with Tucker?

Not at all. No such conversation was had in my presence. I talked to Durant very freely, or with him, in reference to this whole matter. I had long conversations with him.

2076. How much money was it considered you would make if you went into it?

Haskell thought I would make about \$80,000 for my share.

2077. What was the reward of Haskell and Latham to be?

They expected to make about the same. I think my share was one-sixth.

2078. What other parties were in the matter? Were those who went to see the President?

I cannot say about that. The only ones I know positively about are Haskell and Latham. I had no conversation with the others at all. It appears that Haskell and Latham were in constant communication with "the ring," as it is termed, and they were the medium through which I communicated.

2079. Who comprised "the ring?"

I do not know; a great many.

2080. Were the responsibility and risks you incurred to be the consideration for your share of the profits?

I think I stated that my engaging in it would involve great risk and great responsibility as an officer of the government, and that its exposure would be a very serious thing to myself as well as to him. I talked with Mr. Dana several times about it before I went into this thing. I was very anxious to get at these parties, and in my business I considered that anything was legitimate and honorable that would bring to justice a clique or company of men who were banded together for the purpose of swindling the government.

By Mr. Washburne :

2081. Do you know of G. F. Train being mixed up in this matter?

Only from what Durant told me.

2082. Did you see any parties with Durant except those you have named in New York?

No others, I think. My interviews with Durant, except the first one, were private, alone by ourselves.

2083. Was Durant's clerk with you?

No.

2084. Did he speak of sending him as a messenger to see Beverley Tucker?

No; it was proposed at one time that Latham should go. Latham was in Durant's employ. Latham proposed that himself, and Durant spoke to me about it. I opposed it. I said I did not think it was advisable.

2085. Why not?

I did not think he was a proper man. He is a man who talks a good deal, not a discreet, judicious man by any means.

2086. Do I understand you that Latham has been in Durant's employ?

Yes, and I suppose he is now. I do not know anything to the contrary. He pays him \$200 a month. He told me that himself.

2087. You state that Durant showed you some letters received from Beverley Tucker; do you remember whether he took them from his files?

I do not recollect where he took them from now. I recollect he had some trouble in finding one letter, and that it was buried up in a lot of papers on his desk.

2088. Did you see Beverley Tucker's name signed to the letters?

I did not. He read them to me, though, as letters coming from him. There is no question about his receiving a great many letters from Tucker.

2089. Where did this proposition to go into this transaction originate?

I think it originated in New York, at the Astor House.

2090. Who originated it?

I think Latham was the first man that mentioned it to me.

2091. What did Latham say?

He said a great deal of money could be made provided Beverley Tucker could be got through the rebel lines, and that a great effort had been made to bear upon the President to get him to permit Beverley Tucker to go through the lines to Richmond. He said, "Now, colonel, you can do this thing for us; I have been talking with Durant, and you can make all the money you want." I asked him, "How?" and he said, "Let us go up in your room and I will tell you." He went up into my room and he then opened his plans to me. He said he had been talking to Durant, and he had assured Durant that I was a safe man, that he thought I could be trusted. He wanted me to go and see Durant the next day. I said I could not, and I then came to the War Department and reported what I have said.

2092. Then I understand you to say that the object of bringing you into this transaction was the influence you would have in getting Tucker through the lines.

Latham told me I was the only man who could safely undertake this thing; that I was the only man Tucker would go with.

2093. When you visited Tucker, did he seem to know all about you?

Certainly, he said he knew all about me, that he sat up all the night before waiting for me. He made that excuse for being so late in the morning.

2094. What idea did these men have that you had betrayed your trust as an officer of the government?

They had come to the conclusion that I had betrayed my trust for the amount I was going to receive, that I was in earnest, and that Tucker was really going to Richmond in my charge.

2095. Have you seen Durant recently?

No, he came up to my rooms at the Astor House about a week or ten days ago and wanted to know whether I knew anything about the news of negotiation for peace. It was about the time the President was down at Fortress Monroe. Said he, "If you can let me know, there can be a great deal of money made."

2096. Has that note for \$1,500 arrived at maturity?

I believe it has. I had a great many other matters on my hands at the same time, a great many investigations going on, and my memory is not as distinct on that point as it would otherwise be.

2097. Have Durant or Latham ever offered to pay money to you?

Yes, they have pressed it upon me, but I have not taken a dollar. When I came back from Canada they wanted me to take \$500, but I said, "Wait until this thing is closed up." When I came back the second time, Durant wanted me to take a check for \$1,000. He took his check-book and said, "I think you ought to have some money," but I had been advised by Mr. Dana not to take any money. I was told that all my expenses would be paid by the War Department.

By Mr. Eliot :

2098. Did you not have some reason to know that other parties were connected with Durant?

Durant had two permits which, I believe, Haskell was supposed to be interested in, and others had permits which Durant had nothing to do with, though in procuring those permits and in getting cotton through the lines it was understood that Tucker was to assist Durant and was to have a share in the cotton gotten out under his contract; that he was to act as a sort of general agent for the whole of them. I know that matter was talked over.

By Mr. Longyear :

2099. Do you know the names of any parties holding permits, who were to receive the benefit of that arrangement?

I only know from what Latham told me. I have had a great many interviews with these cotton men. They expected my influence and they bored me nearly to death.

2100. Do you know of any agents or employés of the government who are engaged in these cotton transactions?

I know nothing of my own knowledge.

2101. You do not know of any officers or employés of the government who have been interested in these transactions, or have received any money or have been promised any money for their influence in getting through contracts or permits?

I have no knowledge of my own of any.

2102. Do you know of anybody who does know of any?

I suppose Haskell knows of money being paid at the Astor House.

LEONIDAS HASKELL recalled and examined.

By Mr. Washburne:

2103. In respect to the agreements which you produced here when last examined, can you state whether or not at the time they were made there were any indorsements of anything across their face in red ink by Mr. Durant?

No, sir; they were not original agreements, but copies, but there was nothing on the original agreement that was not on the copies, except the signature of Mr. Durant.

2104. Do you know of anything having been written across these agreements at the time they were executed?

I know there was not; the agreement was left in the hands of Latham; what has been done since I do not know. I have his receipt to deliver it up on the joint order of Mr. Durant and myself.

2105. If there has been anything written across the face of the agreement there in red ink it has been written since its execution?

Yes, sir.

2106. Do you know who the parties were who were interested in getting these permits for Mr. Durant?

Mr. Martin, I think, and I believe Mr. Corwin and Mr. Stewart. Stewart acted in the matter as far as I know.

2107. Do you know of any money being paid to any person connected with the government in connexion with these contracts and certificates?

I cannot say that I do know of any.

2108. Do you know of any money promised to be paid?

Only by rumor. I have no knowledge of anything of the kind. I think there are parties who do know; but I do not.

2109. What parties know?

I think Mr. Latham knows more about that.

2110. Where is Mr. Latham now?

I suppose he is in New York.

CHARLES A. DANA called, sworn, and examined.

By Mr. Washburne:

2111. Be good enough to state what position you occupy?

I am Assistant Secretary of War.

2112. Do you know Colonel L. C. Baker?

Yes.

2113. Has he held any position in connexion with the War Department; and if so, what?

He has been employed as special police agent of the War Department.

2114. Was he such agent in October and November last?

Yes.

2115. Do you know anything of an arrangement which he made, or intended to make, with any party or parties in New York or Canada in relation to getting out cotton from the rebellious States? and if so, state particularly and fully all your knowledge in relation thereto.

Colonel Baker came to me some time—as nearly as I can now recollect—in the month of October, and reported to me that certain parties, who had obtained permits to bring out cotton from the rebellious States, were anxious that he should assist them. What they especially desired of him was that he should get Beverley Tucker through the lines from Canada to the southern States, in order that Tucker might complete the arrangement in the south for delivering cotton, which they had already made with him for buying it. He, Baker, stated that he had received proposals which he wished to report fully to me. That these parties had proposed to him to get Tucker through by permission of the War Department, on condition that Tucker should furnish information of great value to the War Department. If that was refused, they had proposed to Baker that he should smuggle Tucker through, and that in that event they had offered to pay him \$10,000 for smuggling him through. I inquired who these parties were, and he told me that he knew of a Mr. Latham, Mr. Ward Lamon, Mr. Swett, and some others whose names I do not now recollect. I think he told me that Mr. J. B. Stewart, Mr. Risley, Thomas C. Durant, and Leonidas Haskell were also concerned in it. I understood from Baker that he had seen Latham and Haskell in regard to this proposition. Baker showed me no original writings from any of them; this was a mere rebel report. He desired to have from me instructions in the premises. I said to him that I would have no stool-pigeon operation; that I would not authorize him to make any arrangements by which Tucker should be induced over into the United States in order that he might be arrested, but I instructed him to go on and possess himself fully, if possible, of all the designs of these parties, and if he should know that Tucker was coming over to inform me of it, in order that I might take measures to have him arrested, as I regarded it important that he should be arrested, if he should come within the territory of the United States; but I instructed him explicitly that Tucker would not be passed through the United States to go within the rebel lines, but that no deceptive proceedings to seduce him here for the purpose of arresting him would be authorized. Baker afterwards reported to me from time to time, and brought me copies of various papers.

2116. Did you see, among the papers presented to you, a note for \$1,500?

My impression is that there was a copy of a note, or a memorandum of a draft of a note, but I have not had any original note. I have not had an original signature of any of the parties Colonel Baker has reported as being engaged in this transaction, nor have I any evidence that they were so engaged except his verbal report.

2117. Did he make any further report to you except such as you have stated?

He has reported to me at various times that B. F. Camp was engaged in trade with the rebel authorities and corresponding with them, but he has never brought me any papers to prove it. He reported to me from New York that at such a date Tucker was going to cross the Niagara river, and orders were thereupon sent to General Dix to have him arrested; but Tucker did not come and was not arrested.

2118. What did you understand Baker's object to be when he came to you in the first instance?

I understood his object to be to perform his duty by reporting to me what was going on in order that the Secretary of War might give such directions as he thought necessary.

2119. And that he had taken these measures in order to get information in regard to these transactions?

I understood Baker that they approached him in the first place, and that they proposed that he should get permission from me for Tucker to go through the lines.

2120. And the purpose of that was to enable them to carry out this contract with Tucker?

Yes; Baker has reported to me, also, that agents from Tucker have been in New York to see Durant within his knowledge. I have had several reports from other secret agents in New York, that men from Tucker, or other rebel representatives in Canada, have been

in New York, and have there had interviews with Durant, but I never got any information of a sufficiently positive character to act upon it, in the way of proceedings before a court-martial or military commission, which would be the regular way of treating such cases.

2121. What is the course usually pursued by the War Department when parties are found contraband trade with the rebels?

The evidence is taken and submitted to the Judge Advocate General, and action is taken in accordance with his report. If he reports the evidence as sufficient to bring the parties before a military tribunal, they are tried; if he reports that it is not sufficient, then we wait until we can get more evidence. No parties are ever proceeded against by military justice without his report. All such cases are submitted to him before they are acted upon.

2122. Was the case of Durant ever made up and submitted to him?

Never; for the reason that the evidence was never sufficient; it was all of a hearsay character.

2123. Had Durant at any time any authority or permission from the War Department to correspond or negotiate with any person or persons within the rebel lines or elsewhere to carry on trade with States in rebellion?

No, sir; neither directly nor indirectly.

2124. Did he, to your knowledge, ever apply for such permission?

He never did.

2125. Has Durant, to your knowledge, ever kept the War Department informed of his proceedings with Beverley Tucker, or with any person or persons?

Never.

L. C. BAKER recalled and examined.

By Mr. Washburne:

2126. Since your last examination have you anything further to state in regard to the note and letter you spoke of?

Nothing, except to produce the documents themselves, which I had supposed were on file in the War Department, but which were afterwards found in my office, and are as follows:

\$8,500 00.]

WASHINGTON, D. C., November 11, 1864.

For value received I promise to pay to the order of ——— eight thousand five hundred dollars out of the first moneys received out of the profits of an agreement made with T. C. Durant in reference to cotton operations, made in New York city on November 10, 1864.

LEONIDAS HASKELL.

NEW YORK CITY, November 10, 1864.

T. C. DURANT, Esq., No. 13 William street:

Please pay to the order of ——— fifteen hundred dollars, as per agreement made with you this day.

\$1,500 00.

LEONIDAS HASKELL.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., November 2, 1864.

Colonel BAKER:

MY DEAR SIR: I was hurried off last evening and had no time to call and see you or to write

I have agreed with General Stanton that he and General Dole shall see the President to-night, and, with my letter in regard to what you have done laid before him, insist that, without delay, your services and fidelity shall be rewarded by your appointment as brigadier general.

Please bluff any party that may come to you about B. T., unless it shall be Major Haskell; in that case you can hear him as you would me.

Your friend,

R. W. LATHAM.

2127. In whose handwriting is this note?

It is in the proper handwriting of Mr. Haskell; I know it as such.

2128. Do you know the handwriting of R. W. Latham?

I do.

2129. Is this letter you have handed to the committee in the handwriting of Mr. Latham?

It is.

2130. I see that this letter speaks of your appointment as brigadier general; what is the significance of that?

That was a part of the consideration for getting Tucker through the lines as before stated, that I was to have that rank.

2131. What does "Please bluff any party who may come to you about B. T., unless it be Major Haskell," mean? who does B. T. refer to?

To Beverly Tucker. It means that he does not want me to make any arrangements with any other parties outside the ring.

2132. Whose name was to be put into the blank of this note filled for \$8,500?

It was to be filled with Haskell's name, who was to indorse it over to me. The draft upon Durant was to be filled up with my name.

2133. What influence was to be brought to bear in obtaining your appointment as brigadier general referred to by Latham in this letter?

Latham informed me that he had seen Dole, Swett, and Ward Lamon, and they were to go to the President at the same time and insist upon my promotion to a brigadier generalship.

2134. Do you know whether or not they went?

I was told that they did.

2135. What was the result?

The result was that the President held the matter under advisement.

TUESDAY, February 21, 1865.

Members present:

Representatives.
Mr. WASHBURNE.
LONGYEAR.

LEONIDAS HASKELL recalled and examined.

By Mr. Washburne:

2136. Have you had a pretty good knowledge of the permits or certificates and contracts which have been made by Mr. Risley?

Of quite a number of them I have.

2137. I hand you a list of contracts, which purports to be a full list of all the contracts made by Mr. Risley as contained in a report from the Treasury Department to the Senate; will you look over it and then state to the committee if you know of parties who have had contracts whose names are not in that document?

In the first place, I find several errors in this document.

2138. Point them out.

The first one that strikes me is to Moore, Conatty & Co. for 15,000 bales. That contract, when I saw it, called for 50,000 bales. In the contract to Leonidas Haskell and T. J. Conatty my name does not appear at all. No such permit was ever granted to me. There was a permit granted to Thomas J. Conatty for 20,000 bales. The contract with Nathaniel F. Potter purports to have been executed December 27, 1864. It was not signed by Mr. Risley until a very long time after that.

2139. How do you know that fact?

I lived by the side of Mr. Potter last summer. I had been to Mr. Risley for one of these contracts, and having been applied to by Mr. Potter—I wanted to serve him—I told Mr. F. P. Stanton of the fact. He said he would get one for him. A contract was written out and sent down to Potter, which he forwarded back to me. This was, I think, late in January, 1865. I neglected to hand it to Mr. Stanton for several days, and did not do it until I heard that no more permits were to be granted. I then handed it to him, apologizing for my neglect. Consequently it could not have been signed until after that.

2140. How do you account for the date given there?

I cannot account for it unless it was antedated.

2141. At the time you handed this to Mr. Stanton did you understand that instructions had been given by the Secretary of the Treasury that no more contracts should be made?

Conatty told me so.

2142. Is it your inference that the contract was antedated to a time previous to that when the Secretary of the Treasury had issued his instructions that no more contracts should be made?

I have no positive knowledge of that whatever. I was so informed by this man who had been a clerk under Mr. Risley. I know the contract was not signed until after that of Samuel Noble was signed, which was dated on the 6th of January, 1865.

2143. Do you know anything about this Mr. Noble?

I only know that I happened to be in the room when the proof of the contract was being read, and saw him there.

2144. Do you know with whom he was connected in the transaction?

I was told with Thurlow Weed and George Law. I saw these gentlemen round there.

2145. Did you see them round there at that time?

I did.

2146. Where was this?

At the Astor House.

2147. What connexion did Mr. Weed and Mr. Law have with Mr. Noble?

They seemed to be with him; they seemed to be one party consulting together.

2148. Were they present with Mr. Noble and Mr. Risley in the same room?

Yes.

2149. About what time was this?

It was about the 6th of January, at the Astor House.

2150. Have you any other reason to suppose that Mr. Law and Mr. Weed were engaged with Mr. Noble in this contract except the fact that they were present and in consultation with him and Mr. Risley?

I was told by Conatty, who drew all the papers at the time, that they were interested with Noble in the contract.

2151. What further did Conatty tell you about this contract with Noble?

He referred to its being a good contract other than in respect to the quantity of bales.

2152. In what respect?

In respect to the privileges and facilities that it afforded Noble more than others.

2153. What privileges and facilities did he allude to?

It contemplated having an agent to accompany the vessel with goods to the point where the cotton was, to be ready to make the exchange as soon as the cotton was brought out. That was the main feature of it.

2154. How was that agent to go?

He explained it in this way: A vessel loaded with goods, not contraband of war, might proceed in charge of an agent, for instance to Savannah, and then still in charge of that agent proceed up the river to Augusta, and there, still under charge of the government agent, exchange the goods for cotton.

2155. Upon what ground did Conatty suppose this contract would be on better footing than others, other than that you have stated?

Not otherwise except in the number of different points where they might deliver the cotton.

2156. Did you know of Mr. Quintard being connected with this matter?

No, I never heard that he was.

2157. What do you see in this document peculiar about the contract of Lovie, Brooks & Camp?

I see that it purports to be dated on the 16th of November, 1864. That contract was signed in January, 1865, at the Astor House.

2158. Why was it signed at the Astor House?

I heard that it was from Conatty.

2159. What did Mr. Risley appear to be doing at the Astor House?

Doing this business.

2160. How came he there; where was his regular office?

I had always been informed that his office was at Norfolk.

2161. Why was he in New York doing this business?

I do not know; I know that he was there.

2162. How long was he there?

Most of the time for three or four weeks.

2163. Did he open an office there?

No; he had different rooms at the Astor House?

2164. How many different rooms?

I have seen him go into No. 4, No. 11, and the large room next to the hall, I think No. 2.

2165. What was he doing in these rooms?

I saw people going in and out; it was a matter of notoriety that he was making these contracts.

2166. Was he doing a large business?

Quite a large business; he had a great many people seeing him.

2167. What was the understanding in relation to these contracts by the people round there?

They all seemed to be pretty well satisfied when they got them.

2168. Could everybody get them who applied?

No, I do not think they could.

2169. Do you know what the object of Mr. Risley was in changing his quarters from the Treasury Department to the Astor House?

I have no knowledge on that subject.

2170. Were you around the Astor House a good deal at that time?

Yes. I never was in his room.

2171. What was the influence which secured this contract of 20,000 bales?

Conatty obtained it.

2172. What was the consideration which induced Conatty to take hold of this thing?

One-fourth interest in it.

2173. What was the position Mr. Conatty occupied at that time towards Mr. Risley and towards the government?

If there is not a mistake in the date as given here, he was a clerk in the Treasury Department.

2174. Do you know of Conatty having an interest in any other contract except this one?

Only in this and in that of Moore, Conatty & Co.

2175. What did you consider this contract worth?

It would have been very valuable if it had been carried out as I hoped; it would have been worth \$100,000 easy enough.

2176. What do you consider it worth now?

I do not consider it worth anything. I never had much faith in it, but if it could have been carried out it would have been quite valuable.

2177. Do you know of Mr. D. Randolph Martin, president of the Ocean Bank, having been engaged in these matters?

Yes, he was the first man who called my attention to them.

2178. Who are Mr. Martin's associates, as far as you know?

Mr. Dole. He told me that there were twelve interests, and he gave that as a reason why my interest must be only one-twelfth in anything he could do with me.

2179. Who did he say were the owners of these twelve interests?

He did not say definitely. He named Mr. Dole and introduced him to me in that connexion. He also introduced me to Mr. Ellery, whom he had appointed agent.

2180. Did Mr. Martin say he had had Mr. Ellery appointed agent?

Yes.

2181. What were the considerations which induced him to have Mr. Ellery appointed?

A desire to have facilities for operating in cotton on the Mississippi.

2182. Was it understood that Mr. Ellery could furnish him better facilities than others might?

He told me Mr. Ellery might furnish better facilities to him than to strangers.

2183. Did he tell you Mr. Ellery was interested in the matter?

Not definitely; I have always had that impression.

2184. Do you know of Mr. Martin having visited Memphis since Mr. Ellery has been there?

Yes.

2185. Do you know of his getting out cotton there?

I do not; I have not seen him since his return; he urged me strongly to go there with him.

2186. For what purpose?

To operate in cotton.

2187. Do I understand you to say that you had this one-twelfth interest promised you in that concern?

Yes. I introduced him to parties who I supposed could get cotton, in consideration of which I was to have one-twelfth interest. The parties to whom I introduced him were also to give me a portion of their interest, so that I was to have one-sixth altogether.

2188. Have you ever received anything?

Not a cent.

2189. What is the reason you have not?

No one has ever received anything, that I am aware of.

2190. Where was Mr. Ellery from?

I think his office was 84 Wall street.

2191. What was his business?

I should think a broker. He had a small office in the basement.

2192. Do you know who else except Mr. Martin was interested in getting Ellery appointed?

Mr. Martin claimed his appointment over Mr. Yeatman.

2193. Do you know anything about a permit issued to Horace H. Meloon?

I know he had a permit. It was made in the Astor House previous to the 4th of January.

2194. Who was this Meloon?

He was a Californian, and was formerly with Andrew J. Butler.

2195. What were the considerations upon which that contract was founded?

He professed to have cotton and other things.

2196. Who was interested with him, if anybody, to your knowledge?

Other parties in New York, but I cannot say who they were. A person told me he knew, but he would not tell me their names.

2197. This contract purports to have been signed the 27th of December, 1864; was this antedated?

I think that date is right.

2198. How did he expect to get out this cotton, turpentine, rosin, and tobacco?

I was informed that he had a vessel already loaded, with the expectation of putting such an agent on board as was contemplated in the contract with Noble, and to have followed our fleet into Wilmington.

2199. Did he profess to have peculiar privileges?

Yes.

2200. What were they?

Authority from the commanding general.

2201. Did you ever see any authority of that kind?

No.

2202. How did he say he was able to obtain that authority?

It was well understood that he was a particular friend of the commanding general.

2203. What do you know about the contract with Camp, Maddox & Parr for turpentine, rosin, and tobacco?

Mr. Camp showed me the contract as being a very valuable one.

2204. In what did its value consist?

It consisted principally, as represented to me, in facilities afforded for going through the lines.

2205. How were the facilities to be obtained. State all you know about it from conversation with parties interested, or in any way?

I had various conversations with Camp in relation to that matter. He told me they were succeeding very well in getting out products and taking in goods. He asked me if I knew of parties who could go into Richmond, and who it was safe to trust. I told him yes, I did. I asked him what he wanted to do. He told me that he could fill three contracts that had been given out by the rebel secretary of war, Mr. Sedden, for stationary of \$10,000 each, in gold, and that instead of paying in gold they would pay in cotton at nine cents a pound. The difficulty was to find the point at which that cotton could be delivered and the goods received. He wanted some man whom he could trust to superintend the transfer, make delivery of the stationery, and receive the cotton; that so far as the other side was concerned it was all right, and that so far as this side was concerned it was all right. I asked Mr. Camp if I furnished this man, what interest he could allow. He said that he had to pay in one instance \$40,000 to secure a passage for one party to go down, and that one-half the whole interest in the business went to parties in Norfolk.

2206. To whom was this \$40,000 paid as you understood?

To the parties in charge of the government end of the canal, either the military or naval authorities; I do not know which. I asked no questions at all in reference to the matter.

2207. To whom was this half interest paid in Norfolk, as you understand?

To different parties in Norfolk; he did not give me the names.

2208. What did you understand him to be the whole extent of this transaction?

He told me the profits on it would be at least \$1,200,000.

2209. Did you understand from him that it was already so divided that he could not entertain any other interest.

Yes; he would not make any definite proposition.

2210. What was it he wanted you for?

He wanted simply to find out through me some party who would go through the lines.

2211. Do you know to what extent Camp and his associates sent goods through the rebel lines?

He told me they had a vessel go from Baltimore every Wednesday.

2212. Where did he say the vessel went to?

Through the Albemarle canal to a point in North Carolina on some river—I think the Chowan. I did not ask as to the gross amount of goods sent through.

2213. What did you infer from what he told you?

I inferred that they had been doing an extensive business.

2214. Must it not have been an extensive business to have insured a profit of \$1,200,000 on one transaction?

Certainly; unless the profits were very large.

2215. Who did Camp tell you his associates were in this transaction?

He told me the names of several in Baltimore, but for the life of me I cannot mention but one.

2216. Who was that one?

That one he mentioned on several occasions—Prescott Smith. He told me of other names which I cannot remember. I asked him if he had never sent a man through before. He told me he had sent a captain, whose name it strikes me was Adams, (I am not positive,) who went through the lines and was taken sick; that he had just received information through a lady who came from there, that he was not expected to live, and he, Camp, was feeling very badly about it. He wished I would help him out of the scrape.

2217. Then you understood the reason of his coming to you was to get some one whom he could trust to go through to Richmond, to take the place of the agent who had been taken sick there, and was not expected to live?

Yes, sir.

2218. Did you recommend him to anybody?

I told him I could, but I think he made up his mind after a while not to do anything more with me. I asked him what he could do, what guarantee he could give that the man should not get into trouble on the other side. He said he would give him letters to Mr. Seddon and Mr. Trenholm, such as would guarantee him safety on the other side.

2219. Has there anything further been said in regard to this matter between you and him?

Nothing further has been done.

2220. What was the reason of breaking off?

After that I saw a notice of the capture of the steamer Philadelphia, which Mr. Lane had. I think I introduced the subject again to Camp, and that Camp told me that the thing had got set back, and that he would do nothing more about it at present.

2221. Have you ever heard anything since?

No; nothing has been communicated to me at all since.

2222. Did Camp ever show you any papers or writing in this connexion?

No; he only proposed to give them.

2223. Did he admit to you that he had been in correspondence with any of the rebel authorities on this subject?

He did not say correspondence. He admitted to me that he had arrangements with the rebel authorities.

2224. Did he admit to you that he had had any connexion with correspondence with Beverly Tucker?

No.

2225. What rebel authorities did he refer to?

None but the two previously mentioned—the rebel secretaries of war and treasury.

2226. Did you understand from him that this large amount of stationery went through?

No; I never did. I do not know whether it went through or not. I only know that he stated to me the arrangements.

2227. Are there any other matters that you can state, connected with this investigation?

I do not know that I remember any other.

WILLIAM P. DOLE called, sworn, and examined.

By Mr. Washburne:

2228. State your official position.

I am Commissioner of Indian Affairs.

2229. Have you, since the breaking out of the rebellion, been engaged in trade with the rebellious States; if so, when, and to what extent? and if you have had any associates, state who they are.

The answer to that is, that I have had no trade any way with the rebellious States. I do not suppose that it is necessary to say that if I could have succeeded in getting a permit, though I did not follow it up much, for Choteau & Co., of St. Louis, an old partner of mine would have been benefited, perhaps; but it has failed.

2230. Would you have been benefited if it had succeeded?

There was no arrangement of the sort.

2231. Was there any understanding?

None whatever.

2232. What measures did you take in order to get a contract for Choteau & Co.?

I went to the President with Charles Choteau, and talked the matter over with him. I also introduced him to Mr. Risley.

2233. What was asked for by Mr. Choteau and yourself?

Such a permit as was the most favorable granted under the law.

2234. At what time was this?

It must have been three months since.

2235. What was the reason you did not obtain it?

Mr. Choteau was of the opinion that anything granted would not be of service to him ; he wanted some especial privileges.

2236. Did they offer to give him any kind of a contract?

I do not know that they did.

2237. What was the talk between him and Mr. Risley and the President?

The talk with the President was a general conversation in favor of getting out cotton. Mr. Choteau was telling the President of his knowledge of where cotton could be had in Arkansas in consequence of his acquaintance there and facilities for getting it out if he could get a permit to take in supplies. Without that a permit would not do him any good.

2238. Did he get anything from the President?

Not to my knowledge. I think not. I never heard that he did.

2239. Did Mr. Risley agree to give him any kind of a contract?

Not that I know of. I think Mr. Risley referred him to the agent at Memphis.

2240. Do you know whether he went to the agent at Memphis?

He was in Memphis soon after he was here. I do not know whether he did or did not get anything there.

2241. Have you heard anything from him since?

I heard after he had returned from St. Louis that he had failed to do anything, and had given the matter up. That is my information about it.

2242. Have you had any connexion in this matter with Mr. D. Randolph Martin, president of the Ocean Bank, New York.

None at all, more than Mr. Martin was with us at the time Mr. Choteau was with the President.

2243. What object had Mr. Martin in being there?

Mr. Martin wanted, I think, something for some friends of his in New York.

2244. Did he get anything of the President?

If he did I never knew it.

2245. Did he get anything from Mr. Risley afterwards?

If he did I am not aware of it.

2246. Do you know of his having been in the trade since that time?

He told me that he went to Memphis and stayed there two or three weeks looking over the ground, but came away without operating, not having any permit, as I understood, that would answer his purpose at all.

2247. Do you know of any transaction in which T. C. Durant was engaged?

None whatever, except that I heard he was trading. It was only hearsay. I never had any conversation with him.

2248. Have you ever had any conversation with anybody who pretended to be connected with Durant?

I do not know as I have ; it has been general conversation.

2249. Did you have any conversation with R. W. Latham?

I think Mr. Latham said to me once that if he or some parties could get a permit, Durant would furnish funds to purchase the cotton, or something to that effect. It was a mere general conversation, in which I had no interest.

2250. For what purpose did Latham come to you?

I do not know that he came for that purpose ; he was frequently in my office.

2251. What connexion did he have with Mr. Haskell?

I think he brought Haskell to me, and wished to know if I could serve him in any way in respect to the cotton he had somewhere down the Mississippi.

2252. In what way did he want you to serve Mr. Haskell?

My understanding was simply to introduce him to those who knew how the thing was to be done or who had the authority to do it.

2253. What was done?

I did not do anything. I told him that Mr. Martin was here from New York, where Haskell lived ; that he was trying to get out cotton, and I referred him to him.

2254. What proposition did Mr. Latham make to you in behalf of Haskell?

None that I know of. None to me.

2256. Upon what considerations was this thing based?

No considerations, so far as I was concerned. No talk of contracts or arrangements.

2256. Have you had any conversation or connexion with any other persons in regard to this matter of cotton?

None, only in general conversation.

2257. Was your influence ever sought by any other person or persons?

I do not know that I can say it was. I have had general conversations with a great many people about cotton, with persons who were asking me about it. My brother-in-law was wanting to know if I could assist him with a permit within the last month.

2258. Who is your brother-in-law?

G. W. Harding, from Illinois. He was here, and that was a part of his business.

2259. Did he get anything?

Nothing whatever. I did not even introduce him to any other parties. I was not willing to meddle with it at all, so far as I was concerned. I saw no opportunity of doing any good, and nothing was done.

2260. What were the considerations for which your old partner was to be let into the Choteau contract?

They never had any bargain. He was accustomed to go down into that part of the country, and if they could have had proper facilities for getting out cotton I have no doubt he could have done a good deal.

2261. Did Choteau ever know your old partner?

Yes.

2262. What was his name?

Kile. Mr. Choteau had been at my house, where I lived when I was in partnership with Mr. Kile.

2263. Was Mr. Kile to have paid in any money?

No, he had not a great deal of money. Mr. Choteau had. He was going down there for some interest, which was never disclosed so far as I know, but no permits were ever granted that they were willing to operate under.

2264. What do you know in relation to any other permits granted or contracts made?

I think I did know of one made with a Mr. Allen, of Indiana. I only know that he told me he had a contract to get out cotton. He is an old acquaintance of mine, who is frequently in my office. I have no information about it whatever.

2265. What do you know of a contract made with Mr. Swett and Mr. Lamon?

I did not know they had one. I did not know they were in cotton. I never saw or talked with either of them about it.

2266. Was your influence used in this matter of Durant through Swett or in any way other than you have spoken of?

Never in any way whatever. It never was exercised in the least in any way possible. From my talks with the President and with Mr. Risley, I came to the conclusion that no advantages could be had by anybody beyond what the law allowed, and therefore influence was only valuable in bringing men to Mr. Risley, that they might know how to go to work. None was ever asked of me certainly.

2267. Do you state that you never had any interest either direct or indirect, and never expected to have any interest, in any cotton transaction whatever?

No, sir, never in any way whatever.

FRIDAY, February 24, 1865.

Members present:

Senator.
Mr. MORRILL, Chairman.

Representatives.
Mr. WASHBURNE.
LONGYEAR.

ROBINSON PIEMONT called, sworn, and examined.

By Mr. Washburne:

2268. State your residence and business.

I reside in Elizabeth City, North Carolina. I am by profession a physician.

2269. Is Elizabeth City at present within the rebel lines?

No, it is within the federal lines.

2270. How long has it been in our lines?

Ever since the 10th of February, 1862. There was a naval engagement or fight there at that time.

2271. How lately have you been in Elizabeth City?

I left there on the 14th of January last.

2272. Have you been there since

No.

2273. Do you know whether our troops were stationed there?

No; there were none there.

2274. Were there any rebel troops there?

No; they have never had any troops there, except at the time of this engagement; the 3d Georgia regiment were then stationed all along the road.

2275. Where have you been since you left there?

I have been in Norfolk a good deal; I have been in Washington city for a time, and I went to New York for a time.

2276. What business have you been in?

I have been collecting claims for some persons, and I went to get some medicines and surgical instruments. My house was burnt down in Elizabeth City because of my Union sentiments.

2277. Have you ever been in trade with the rebellious States?

No, sir, never.

2278. Have you any knowledge of the manner in which this trade is carried on?

So far as our vicinity is concerned I do not know that there has been any. Permission has been granted by the military authorities at Norfolk for a trade-store, and occasionally a lot of goods would go out, but so great was the demand for them that they would all be bought up in a day or two.

2279. What do you know of the goods sent out?

They were scattered all over the district.

2280. Do you know of any trade being carried on directly with the rebel agents?

I do not.

2281. As far as you have been able to judge from your own observation, what has been the effect of the trade carried on between Norfolk and your section of the country?

The effect of the trade has been to conciliate the people and strengthen the Union cause throughout the whole district. It has had the effect of disbanding the guerillas, of making the people much more loyal and better satisfied, and desirous of having something like government and the administration of laws for their protection.

2282. Under whose administration was this commenced?

Under that of General Shepley.

2283. Do you know what rules he was governed by in permitting this trade to be carried on?

It was the understanding and agreement between the parties that the goods were not to go in any manner, shape, or form for the aid of the rebel cause, but that they were to be for the use of the people living this side of the Chowan river.

2284. What do you know about General Shepley authorizing goods to be taken out?

Whenever anybody applied for permission to carry goods, if it was a reasonable demand, it was always granted. If any person applied for articles contraband of war he always refused.

2285. Do you know of any other military commander granting permits? and if so, state the character of them.

The largest amounts I have ever known to be carried out were by parties who told me they got their permits from General Butler.

2286. Who were the parties who carried out these large amounts?

A Mr. Kennedy was one of the parties. The goods were brought to Elizabeth, and then retailed out.

Were they brought there to a very large amount?

At different times I suppose to the amount of \$25,000 or \$30,000.

2287. Do you know of any other parties who got permits from General Butler?

I think there were, perhaps, half a dozen persons who were interested in the goods brought out there about the 1st of January, amounting to \$25,000 or \$30,000. They said they got their permits from General Butler.

MONDAY, February 27, 1865.

Members present:

Representatives.

Mr. WASHBURNE,
PERRY,

Representatives.

Mr. LONGYEAR.

HANSON A. RISLEY recalled and examined.

By Mr. Washburne:

2288. Since your last examination have you made any other or further contracts for getting out cotton?

There have been one or two given in Virginia. My instructions from the Secretary were to stop making contracts, except for products to be delivered at Norfolk.

2289. With whom were these contracts made, and for what purpose?

One was with a man, whose name I do not now remember, who was brought to me by Dr. Stevenson, former librarian of Congress. It was for tobacco.

2290. For how large an amount of tobacco?

I cannot give you the amount; the contract was prepared by my clerk. Dr. Stevenson brought a list of so many boxes of one kind, and so many of another kind, which was handed over to Mr. Green, a clerk, to make out the contract. I think it was signed about Thursday last

2291. Did you have the order of the President attached to it?

No executive order was attached to these contracts. They were under the general regulations and executive order of September 24.

2292. Did I understand you correctly the other day to state in your testimony that these executive orders were exceptional, that they did not come within the general rule?

They were granted during the suspension of the general order. When the general executive order was signed by the President he directed that it be not published or acted upon until the Secretaries of War and the Navy should respectively make orders for carrying the President's order into effect; and these orders, in individual cases, were granted for the purpose of enabling parties to act, in the mean time, under the regulations. The first given were on the coast where there were no military movements to be affected and there was no military objection. Afterward parties claimed that they could do better with the autograph of the President, that the general orders had been so much delayed and questioned in one way and another, they could not do as well under them as with the autograph order of the President.

2293. Were not these executive orders intended and expected to give especial advantages to the parties who obtained them?

They were intended to aid these parties in executing their contracts for delivery of products to government agents.

2294. Did they not suppose that they would give an advantage over parties who had not an executive order?

I did not suppose anybody was doing anything of consequence without these special orders.

2295. How many were given in all?

Between forty and fifty, I think.

2296. Did all the parties named in the printed list contained in this Senate document have the executive order attached to these certificates?

Most of them did, but I think not all.

2297. Can you state further in regard to the amount of moneys made by the government under these contracts?

The government will realize, up to this time, on products from the insurrectionary States under the last law and regulations, about \$1,000,000. This is an estimate based on official reports and information. The amount of cotton embraced in my contracts with various parties is 930,485 bales. At \$1 30 per pound, about the market value at date of contracts, estimating the weight at 450 pounds each bale, the cotton contracted for by me would amount to \$544,333,725.

Profit to the government.

Internal revenue tax, 2 cents per pound.....	\$8,374,365
Permit fees, 4 cents per pound.....	16,748,730
One-fourth net proceeds to be paid to United States.....	
Estimate expenses, taxes, &c., at 20 cents per pound.....	108,866,745
	133,989,840

Beside the incalculable benefits of throwing so large a quantity of cotton upon markets in loyal States.

2298. You have made your estimate on the basis of cotton at \$1 30 a pound. What is cotton worth now in New York?

I noticed, two or three days ago, it sold for about eighty cents a pound. It has fallen about fifty cents a pound.

2299. If you have made contracts for this amount, paying three-fourths of its value in New York, at \$1 30 a pound, how much would the government make in selling it now at eighty cents a pound?

I have not made any such contracts. I agree to receive cotton and sell it in New York. I take out the taxes, fees, and expenses, and then, from the net proceeds, retain one-quarter for the government and give three-quarters to the parties selling. That is my written

contract in every case. If I had purchased at the first price you name and sold at the last, there would have been a loss.

2300. Do not your contracts require you to pay not exceeding three-fourths the value in New York?

That is the limitation in the printed regulations; but agents were instructed to underestimate and calculate for a falling market.

2301. If you had made your contracts in accordance with these regulations, purchasing at \$1 30 and selling at the present price of eighty cents, what would have been lost to the government?

If I had paid three-quarters of \$1 80 and sold at present rates, there would have been a loss of fifteen or twenty cents a pound; but I have made no such contracts, and the regulations did not require such.

2302. Have you in every instance contracted to pay the three-fourths market price after the cotton was sold by the government?

In every single instance I have agreed to pay three-fourths of the net proceeds after deducting expenses, taxes, &c.

2303. Have you not contracted to pay a portion of the money at the time and place of purchase?

I have not until after sale of products.

2304. Then have you not departed from these regulations?

I am acting under the regulations, and a letter of instructions dated subsequently to the regulations.

2305. Will you furnish a copy of that letter of instructions?

I can furnish it. The instructions referred to are as follows:

“TREASURY DEPARTMENT, *October 10, 1864.*

“SIR: Under the authority of the 8th section of the act of Congress approved July 2, 1864, entitled “An act in addition to the several acts concerning commercial intercourse between loyal and insurrectionary States,” &c., and with the approval of the President, I hereby appoint you an agent to purchase for the United States any products of States declared in insurrection that may be offered to you in ———, to the extent and under the conditions and restrictions hereinafter stated.

“The 8th section of the act referred to limits the maximum to be paid for any products to ‘the market value thereof at the place of delivery, and not exceeding three-fourths of the market value thereof in the city of New York, at the latest quotations known to the agent purchasing.’

“Notwithstanding this permissive maximum in the law it is expected that all purchases made by you will be on the most favorable terms for the government, and that you will so conduct your operations as to induce the greatest possible amount of products to be brought to market.

“The principal and most desirable of these products is cotton, to the purchase of which you will give special attention, and you are authorized to purchase other products only so far as may be necessary in special cases, when the bringing to market of any cotton may be dependent upon or facilitated by such purchase.

“Before making any purchase you will make inquiry and examination to satisfy yourself that none of the products offered are abandoned or captured, under the acts of March 12, 1863, or July 2, 1864. If any is proven to your satisfaction to be such, you will turn it over to the supervising special agent to be treated accordingly.

“The law contemplates that 25 per cent. of the net proceeds of final sales shall inure to the United States.

“In the fluctuations in the market rates of cotton any fixed price to be named by you might defeat the objects of the law, and therefore you will stipulate to pay the parties selling three-fourths of the net proceeds of the sales as made at Cincinnati or New York, as the case may be, after such cotton shall have been transported and sold. You are, however, permitted to authorize an advance of $33\frac{1}{3}$ per cent. of the market value at New York, according to the latest quotations known to you.

“Against the cotton purchased by you, you will charge the internal revenue tax of two cents per pound and all expenses that may have been incurred by you in connexion therewith, advising the consignee of such cotton of the amount of any advance made by the government, and of such charges, specifying each in detail, so that the officer making the sale and accounting therefor shall previously pay into the treasury, to the credit of the proper accounts, such advances and the taxes and fees, and charge against the proceeds the expenses so incurred.

“When returns of sales showing the amount of the net proceeds shall have been received by you, three-quarters thereof, or such an amount added to any advance which may have been made by the disbursing officer, as shall be equal to three-quarters thereof, may be paid

by draft of the disbursing agent upon the proper officer in favor of the person or party of whom the cotton was purchased.

"Cases may be presented, or circumstances may occur, where, from the small quantity offered, or other cause, it will be necessary or expedient to make a purchase for a stipulated sum, and forthwith close the transaction.

"In such cases you will confer with the disbursing agent and surveyor of customs, and determine upon a price to be paid that shall in no case exceed the market value at _____ on the day of purchase, nor to exceed three-fourths of the market value in the city of New York at the latest quotations known to you at the date of the delivery of the products, Regulation IV, less the internal revenue tax of two cents per pound and the fee of four cents per pound prescribed by Regulation XLVI, series of July 29, 1864, and also less such a sum per pound of cotton as will cover the actual expense of handling, storing, insurance, and transporting of such cotton from _____ to the place of shipment, whether it be Cincinnati or New York, together with the cost of handling, storing, and all expenses at said place, including the usual allowance for commission on sales; the object being in all cases to make such deductions from the price paid as will cover all expenses incurred and to be incurred by the government, and leave twenty-five per cent. of the value of the product as net profit.

"The sum so to be deducted must be fixed after consultation with the surveyor and disbursing agent at _____, and must apply to all cotton equally during the period that shall, from time to time, be determined upon by yourself in connexion with the officers referred to.

"In your record of purchases you will enter against each purchase both the "market value" and latest New York quotations.

"Proper instructions will be given to have transmitted to you regularly, and as often as possible, the regular New York quotations, and you will cause a complete file of them to be kept in your office, having noted upon the face of each the date of its receipt.

"On the delivery of any cotton to be purchased, you will cause it to be examined, rated or or classed, and weighed, as prescribed by the Regulations; and you will pursue the same course substantially in regard to any other products purchased by you under these instructions.

"For all purchases made by you, and for all expenses incurred by your authority, you will require invoices and bills in triplicate, which must be certified before payment as prescribed by the Regulations.

"Of the products purchased by you, you will promptly ship to _____ such proportion as in your judgment will be required to supply that market, or as can be sold there on as good terms as in New York, consigned to the agent who may be authorized to sell products for the government there; and the balance you will ship directly to New York, consigned to the agent who may be authorized to sell there. You will be advised of the appointment of such agents, and will exercise your discretion as to the quantity to be shipped to each; and on all products so shipped to either place you will effect insurance, and will take triplicate bills of lading, which shall fully show the number of bales or parcels so shipped, the marks or designs on each, and the weight and quality or rate of contents. One of these you will retain, one will be sent to the Secretary immediately, and one to the consignee.

"By reference to the regulations concerning the purchase of products on government account, a copy of which is transmitted herewith, you will perceive that all products arriving at _____, except the classes named in Regulation XV, must be consigned and delivered to you, or where that is not done will be taken possession of by you.

"Should the holders of any property produced or being transported, as named in Regulation XV, desire to dispose of it to you, in conformity with the provisions of the act of July 2, 1864, you will purchase it, except that which may have been captured or abandoned, and treat it every way as other property brought and sold to you as above described.

"You will be governed by the regulations prescribed for conducting purchases and sales of products of insurrectionary States.

"In case of sales under Regulation XIV, the proceeds will be paid to the disbursing agent at Nashville, to go to the credit of the "purchasing fund."

"For the purpose of fixing a value of products upon which to base your certificate of purchase, provided for in Regulation IX, in cases where the purchase price is to be fixed and paid at Cincinnati or New York, in order to enable sellers to take back in merchandise one-third the value thereof, permitted by the military authorities, under the executive order, you will estimate the value at a sum not more than the market price in _____ on the day of purchase or three-fourths the market value in New York by the latest quotations known to you, less ten cents per pound to cover fees, taxes, and expenses.

"You are expected to act in harmony with the several officers of this department in _____, and, so far as may be necessary, will confer freely with the surveyor of customs and the supervising special agent of the first agency in relation to any duties devolved upon you in connexion with which their official acts may be necessary.

" You will report from time to time, as often as every week, in relation to the working of the system under which you are acting, and will suggest such changes, or additional regulations, as in your judgment will promote the objects contemplated and secure the public interest.

" W. P. FESSENDEN,

"Secretary of the Treasury.

" TREASURY DEPARTMENT,

" October 31, 1864.

" SIR: You are familiar with the act of Congress, the ninth section of which provides that the Secretary of the Treasury may, with the approval of the President, authorize agents to purchase for the United States products of States declared in insurrection, at such places therein as shall be designated by him; and you are also familiar with the regulations prescribed by me, with the approval of the President, for carrying said provisions into effect, and with the instructions to the several agents appointed, a copy of which regulations and letters of instruction is herewith transmitted.

" Under the provisions of the said act, and in pursuance of said regulations, and of said instructions so far as applicable, you are authorized to purchase for the United States, at Norfolk, Virginia, any products of States declared in insurrection, that may be offered for sale, and to give the authorized certificates provided for in said regulations, and to sell the products so purchased, at the place of delivery, or at Baltimore or New York, as in your judgment may be most expedient; such sales to be at public auction, after the usual notice, except when made under Regulation XIV, to the person selling you the products.

" The close proximity of Norfolk to the places of sale justifies the conclusion that no funds need be advanced to you by the government. You will, therefore, in no case incur any liabilities on account of the United States, further than to stipulate that the proper proportion of the proceeds of sales shall be promptly paid over to the parties entitled to receive them; you will thus be enabled to secure to the United States the taxes, fees, and percentage of advance realized by the sale over the stipulated price to be paid for such products, which in all cases must be equal to twenty-five per cent. of the proceeds, after deducting all charges, including proper commissions usual in commercial transactions, such commissions in all cases to be charged against the products sold.

" All moneys received after deducting therefrom all expenses of sales, freight, commissions, storage, and other charges for transportation, insurance, if any, and handling of products, of which you will keep accurate account, must be paid into the treasury to the credit of the Treasurer of the United States, specifying the source whence received.

" W. P. FESSENDEN,

"Secretary of the Treasury.

" H. A. RISLEY, Esq.,

" Superintendent, Special Agent Treasury Department, Seventh Special Agency."

2306. Did you have one form mostly for these contracts?

I had no printed form, but they were intended to be substantially alike. The first contracts were written by myself, and the others were generally made up by Mr. Conatty and others in my room; patterns of the others I had made. There is very little variation in any of them.

2307. In relation to the contract with one Samuel Noble, about which you have already testified, did I understand you correctly to say that you had no knowledge, belief, or information whatever as to who his associates were?

No, I had not any at all. I did not know that he had talked with anybody about it excepting Mr. Quintard.

2308. Were there any persons with Mr. Noble when he applied to you?

Ward Lamon was there, I think. I think he came there with him. I am not sure. If he did, I do not believe he remained in the room, and I do not remember seeing him afterwards.

2309. Was Mr. Noble introduced to you by Mr. Lamon?

I am not sure that he was. I think Mr. Lamon was there about the time he first came.

2310. What information did Mr. Lamon give you about him?

My recollection now is that Mr. Lamon came to me and said, "Here is a gentleman from Georgia," and at the same time handed me this card from the President. I do not remember Mr. Lamon being present afterwards. This was in New York.

2311. Did Mr. Lamon have the card, or Mr. Noble?

That I do not remember; it was handed me by one of them.

2312. What was the card of the President to which you refer?

I have it here. It is simply, "Mr. Risley, please see Mr. Noble, of Georgia. January 4, 1865." I think Mr. Noble handed me the card.

2313. Did you get the impression that Mr. Lamon was interested in the transaction?

I did not. It made so little impression that I did not even remember in my former examination that Mr. Lamon was there.

2314. Are you certain that there were no other person or persons with Mr. Noble at the time he came to see you?

I am quite certain of that.

2315. You spoke of a suspension in the making of contracts at this time; does that extend to all the agents?

I do not think any instructions have been sent to the other agents.

2316. Then do you understand that all the other agents except yourself are authorized at the present time to make contracts?

I doubt whether any of the others have made such contracts as I made.

2317. Do you know what kind of contracts the other agents made?

No, I do not. I have never seen a written contract made by any of them. I have seen certificates, just the certificate provided for by regulations. I am inclined to think that they make only verbal contracts, and then issue the certificate required in the regulations. The first writing about it is, perhaps, the application signed by the party, and then the certificate is given.

2318. According to that the obligations of the parties to the government and of the government to the parties rest only in parol agreements?

In parol agreements and the regulations and the recitals in the certificate. The regulations limit the price to be paid. The certificate given to the party and held by him would bind him to the terms of the regulations and to stipulations recited in the certificate. I do not think they make other written contracts.

2319. Have you in every instance made written contracts?

I have in every instance where I have done the business myself. Some of the purchases made in Norfolk by Mr. Farrington, acting for me, have not been in writing. They were for small parcels of cotton.

2320. How is it possible to protect the interests of the government, or to have any knowledge of what the contracts are, unless they are made in writing?

The regulations prescribe the conditions upon which the agent can purchase. In my own case, written contracts were made for my own protection. I thought I was making them very secure for the government, and in a manner to avoid all misunderstanding. My intention was to protect the government against loss under any circumstances.

By Mr. Perry:

2331. Would there not be difficulty in enforcing a contract, not in writing, against a party?

No; the government pays nothing until the cotton or other products have been delivered. When they are delivered government sells them, and the party receives his proportion of the proceeds. I do not see any difficulty in it.

2322. Is there not danger of great frauds being committed in the absence of written contracts?

I do not see how; it is all under the regulations and under the control of the government.

By Mr. Washburne:

2323. Does not this fourth regulation require, where for instance cotton was delivered in New Orleans, that the agent shall pay to him an amount not exceeding three-fourths its market value in New York city by the most recent quotations?

It limits the agent from going beyond that, but the instructions have been not to pay until the cotton has been sold, only to make limited advances.

2324. Do you know whether the other agents follow these instructions?

As soon as it was ascertained that loss might accrue from a falling market, instructions were issued to all the agents to provide against that.

2325. Do these agents act independently of each other, and are they all equal in authority and position?

They act independently. My instructions were to act under the law and regulations, and the instructions issued to other agents, so far as applicable to my situation. Being in the department, and in constant consultation with the Secretary and Assistant Secretary, I have acted more independently than others, perhaps, but we are all on a par in respect to authority.

2326. Do you know of any other alterations in contracts, or certificates, or executive orders than those to which you have testified in this committee?

No. I do not know of any others. In some of my contracts there has been an extension of the time of delivery; for instance, where a party was to deliver products by the

1st of March it has been extended to the first of July—something of that sort. No other changes in executive orders have been made.

2327. Has there been anything done since you last testified in relation to these alterations?

Mr. Conatty, I stated, had surrendered his contract. He does not propose to take out 50,000 bales. He proposes, if he does anything, to get the contract renewed for 15,000. Since my last examination, I addressed a letter to the President, stating the charges made in the contracts in terms and effect in his orders, and asking his approval of the same, which I now submit to the committee.

“TREASURY DEPARTMENT,

“*Washington, D. C., February 21, 1865.*

“The PRESIDENT: I beg respectfully to state that the contract made with D. P. Moore, T. J. Conatty, and William Helmick, by me for purchase on government account of 15,000 bales of cotton, product of the insurrectionary States, was, by my consent, increased to 50,000 bales. Another contract with B. H. Brooks, B. F. Camp, and A. H. Lazare was, before execution, changed by consent of the parties by erasing the name of Lazare and inserting that of Henri Lovie. In some few other contracts the time for delivery of the products has been extended, and in one or two cases there has been a change as to place of purchase or delivery. In no case has there been incurred any liability on behalf of the government, and in all the cases the changes have been made in the hope of increasing the quantity of products to be raised.

“These changes in my contracts made necessary corresponding changes, in terms or effect, in the orders made in the several cases by you, and I respectfully ask your approval of the same.

“With sentiments of respect, your obedient servant,

“H. A. RISLEY,

“*Superintendent, Special Agent, &c.*

“Approved February 24, 1865.

“A LINCOLN.”

JOURNAL.

HOUSE OF REPRESENTATIVES,
Room Committee on Commerce, January 24, 1865.

Committee met. Present :

Mr. WASHBURNE, chairman.
ELIOT,
DIXON,

Mr. PERRY,
O'NEIL,
LONGYEAR.

The chairman laid before the committee the following resolution of the House

“ CONGRESS OF THE UNITED STATES.

“ 38TH CONGRESS, 2D SESSION.

“ IN THE HOUSE OF REPRESENTATIVES,
“ *January 20, 1865.*

“ Mr Driggs submitted the following, which was agreed to :

“ Whereas it is reported that one G. W. Lane, of Baltimore, received a permit in December last, from H. A. Risley, chief agent of the treasury, to proceed to North Carolina and exchange provisions with the rebels for cotton: therefore,

“ *Resolved*, That the Committee on Commerce be instructed to inquire into the alleged facts, and to report to this House whether there is any authority vested in the Treasury Department to give the right to any one to furnish the rebels with supplies from our lines ; and if not, to report such a bill or resolution as may be necessary to bring the guilty to justice and to protect the interests of the government in the future, or to take such other action as may be deemed proper to secure the object in view ; and that the committee have power to send for persons and papers.

“ Attest :

“ E. McPHERSON, *Clerk.*”

On motion of Mr. Eliot,

Ordered, That a sub-committee of five, of which the chairman of this committee shall be chairman, be appointed by the Chair for the purposes of this investigation.

The chairman appointed as such sub-committee Mr. Eliot, Mr. Perry, Mr. Longyear, and Mr. Ward, making the committee to consist as follows :

Mr. WASHBURNE,
ELIOT,
PERRY,

Mr. LONGYEAR,
WARD.

Ordered, That H. G. V. Fox, Assistant Secretary of the Navy, be summoned before the committee to-morrow at 10 o'clock a. m., at the room of the Committee on Commerce.

WEDNESDAY MORNING, *January 25, 1865.*

Sub-committee met—present all the members.

John W. Hogg appeared and was examined as a witness.

Ordered, That the chairman report to the House the following resolution and ask for its adoption :

Resolved, That the Committee on Commerce, to whom was referred the resolution of the House of Representatives of the 20th instant, directing the said committee to inquire into the matter of a permit granted by the chief agent of the Treasury Department to G. W. Lane, of Baltimore, to proceed to North Carolina and exchange provisions with the rebels for cotton, are hereby further

directed to inquire into all the facts and circumstances connected with the trade with the rebellious States since the breaking out of the rebellion, either by permit from the Treasury Department or otherwise; that the said committee have leave to sit during the sessions of the House and to report at any time; and that the Clerk of the House be directed to pay all the expenses of the said committee out of the contingent fund of the House, on the certificate of the chairman.

Adjourned until call of chairman.

SATURDAY, *January 28, 1865.*

Committee met. Present:

Mr. WASHBURNE, chairman.
ELIOT,
WARD,

Mr. PERRY,
LONGYEAR.

The chairman laid before the committee the following resolution of the House:

“CONGRESS OF THE UNITED STATES.

“38TH CONGRESS, 2D SESSION.

“IN THE HOUSE OF REPRESENTATIVES,
“*January 25, 1865.*

“On motion of Mr. E. B. Washburne,

“Resolved, That the Committee on Commerce, to whom was referred the resolution of the House of Representatives of the 20th instant, directing the said committee to inquire into the matter of a permit granted by the chief agent of the Treasury Department to G. W. Lane, of Baltimore, to proceed to North Carolina and exchange provisions with the rebels for cotton, are hereby directed further to inquire into all the facts and circumstances connected with the trade with the rebellious States since the breaking out of the rebellion, either by permit from the Treasury Department or otherwise; that the said committee have leave to sit during the sessions of the House, and to report at any time; and that the Clerk of the House be directed to pay all the expenses of the said committee out of the contingent fund of the House, on the certificate of the chairman.

“Attest:

“E. McPHERSON, *Clerk.*”

John W. Hogg was recalled and examined.

Charles Gould and Jacob W. Brown appeared and were examined.

Adjourned until Tuesday next, at 10 o'clock a. m.

TUESDAY, *January 31, 1865.*

Committee met. Present:

Mr. WASHBURNE, chairman.
WARD,
LONGYEAR,

Mr. ELIOT,
PERRY.

Messrs. J. H. Maddox, John R. Winslow, W. H. Marston, and Thomas J. Conatty, appeared and were examined as witnesses.

Adjourned until to-morrow, at 10 o'clock a. m.

WEDNESDAY, *February 1, 1865.*

Committee met. Present:

Mr. WASABURNE, chairman.
WARD,
PERRY,

Mr. ELIOT,
LONGYEAR.

The examination of Thomas J. Conatty was resumed and concluded.

Noah L. Wilson, James L. McPhail, and Leonidas Haskell, appeared and were examined as witnesses.

Adjourned until to-morrow, at 10½ a. m.

THURSDAY, *February 2, 1865*

Committee met. Present:

Mr. WASHBURNE, chairman.
WARD,
PERRY,Mr. ELIOT,
LONGYEAR.

Captain Alexander M. Pennock, U. S. N., and Colonel John Eaton, jr., U. S. C. T., appeared and were examined as witnesses.

Adjourned until to-morrow, at 10½ a. m.

FRIDAY, *February 3, 1865.*

Committee met. Present:

Mr. WASHBURNE, chairman.
WARD,
PERRY,Mr. ELIOT,
LONGYEAR.

Edwards Pierrepont appeared and was examined as a witness.

Adjourned until Monday next at 10 o'clock a. m.

MONDAY, *February 6, 1865.*

Committee met. Present:

Mr. WASHBURNE, chairman.
WARD,
PERRY,Mr. ELIOT,
LONGYEAR.

Hon. Thomas Corwin appeared and was examined as a witness.

The chairman was directed to report a concurrent resolution to the House, providing that the Committee on Commerce on the part of the Senate be joined to this committee for the purposes of this investigation.

Adjourned until to-morrow, at 10 a. m.

TUESDAY, *February 7, 1865.*

Committee met. Present:

Mr. WASHBURNE, chairman.
WARD,
PERRR,Mr. ELIOT,
LONGYEAR.

Thomas J. Conatty was recalled and examined as a witness.

John W. Finnell appeared and was also examined.

Adjourned until to-morrow at 10 a. m.

WEDNESDAY, *February 8, 1865.*

The joint committee met in pursuance of the following concurrent resolution of the two houses of Congress, which was received and ordered to be recorded on the journal:

"CONGRESS OF THE UNITED STATES.

"38TH CONGRESS, 2D SESSION.

"IN THE HOUSE OF REPRESENTATIVES,

"February 6, 1865.

"Resolved, (the Senate concurring,) That the Committee on Commerce on the part of the Senate be joined to the Committee on Commerce on the part of the House in the inves-

tigations in which said Committee on Commerce on the part of the House are now engaged, under resolutions of the House of January 20, 1865, and January 25, 1865, in regard to trade with the States in rebellion, to constitute a joint committee for the purpose of completing said investigation, and that the said joint committee have the same powers as the Committee on Commerce of the House now have on the subject of said investigation.

“ Attest :

“ ED. MCPHERSON.

“ IN THE SENATE OF THE UNITED STATES,

“ February 6, 1865.

“ Resolved, That the Senate concur in the foregoing resolution.

“ Attest :

“ J. W. FORNEY, *Secretary*.

“ By W. HICKEY, *Chief Clerk*.”

Present :

Senators.

Mr. MORRILL,
MORGAN.

Representatives.

Mr. WASHBURNE,
ELIOT,
WARD,
LONGYEAR,
PERRY.

Ordered, That the chairman of the committee on the part of the Senate be the chairman of the joint committee.

Benjamin F. Camp, Peter E. Bland, and Charles K. Hawks appeared and were examined as witnesses.

Adjourned until to-morrow, at 10 a. m.

THURSDAY, February 9, 1865.

Joint committee met. Present :

Senator.

Mr. MORRILL, chairman.

Representatives.

Mr. WASHBURNE,
ELIOT,
WARD,
LONGYEAR,
PERRY.

Thomas C. Durant and Oscar H. Burbridge appeared and were examined as witnesses.

Adjourned until to-morrow, at 10 a. m.

FRIDAY, February 10, 1865.

Joint committee met. Present :

Senators.

Mr. MORRILL, chairman.
SPRAGUE,
MORGAN.

Representatives.

Mr. WASHBURNE,
ELIOT,
PERRY.

Thomas C. Durant was recalled and examined as a witness.

E. W. Barker and John H. Morse appeared and were also examined.

Adjourned until to-morrow, at 10 a. m.

SATURDAY, *February* 11, 1865.

Joint committee met. Present :

Senator.
Mr. MORGAN.

Representatives.
Mr. WASHBURNE,
ELIOT,
LONGYEAR,
PERRY.

John H. Morse appeared, and his examination was resumed and concluded.
James F. Casey also appeared and was examined as a witness.

Adjourned to meet in Fortress Monroe, or Norfolk, Virginia, on call of chairman.

MONDAY, *February* 13, 1865.

Joint committee met in the city of Norfolk, Virginia. Present :

Representative.
Mr. WASHBURNE,

Representative.
Mr. PERRY.

General George H. Gordon, James G. Halliday, Thomas J. Hobday, G. W. Singleton, John T. Daniels, William G. Harrison, and Jonathan Dickinson appeared, and were examined as witnesses.

Adjourned until to-morrow, at 10 o'clock a. m.

TUESDAY, *February* 14, 1865.

Joint committee met. Present :

Representative.
Mr. WASHBURNE,

Representative.
Mr. PERRY.

Major J. Lewis Stackpole, Logan Hurst, and George W. Lane appeared and were examined as witnesses.

General George H. Gordon was recalled and also examined.

Adjourned to meet in Washington city on call of chairman.

SATURDAY, *February* 18, 1865.

Joint committee met at the Capitol, Washington, D. C. Present :

Representatives.
Mr. WASHBURNE,
LONGYEAR.

Representative.
Mr. ELIOT.

Hanson A. Risley appeared and was examined as a witness.

Adjourned until Monday next, at 9 o'clock a. m.

MONDAY, *February* 20, 1865.

Joint committee met. Present :

Representatives.
Mr. WASHBURNE,
LONGYEAR.

Representative.
Mr. ELIOT.

Hanson A. Risley appeared, and his examination was continued.

George W. Quintard, L. C. Baker, and Charles A. Dana appeared and were examined as witnesses.

Adjourned until to-morrow, at 10 a. m.

TUESDAY, *February* 21, 1865.

Joint committee met. Present :

Representatives.
Mr. WASHBURNE.

Representatives.
Mr. LONGYEAR.

Leonidas Haskell was recalled and examined as a witness.

William P. Dole also appeared and was examined as a witness.

Adjourned until Friday, February 24, 1865, at 9 a. m.

FRIDAY, *February 24, 1865.*

Joint committee met. Present:

Senator.

Mr. MORRILL, chairman.

Representatives.

Mr. WASHBURNE,
LONGYEAR.

Robinson Piemont appeared and was examined as a witness.

Adjourned until February 27, 1865, at 9 a. m.

MONDAY, *February 27, 1865.*

Joint committee met. Present:

Representative.

Mr. WASHBURNE.

Representative.

Mr. LONGYEAR.

Hanson A. Risley was recalled and examined as a witness.

Adjourned until call of chairman.

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NEW YORK CUSTOM HOUSE.

MARCH 1, 1865.—Laid on the table and ordered to be printed.

MARCH 2, 1865.—Ordered, That three thousand extra copies be printed.

Mr. HILMAN, from the Committee on Public Expenditures, made the following additional

REPORT.

In a former report submitted to the House, the committee deemed it expedient that testimony taken on some branches of the subject—either referred to them for investigation, should at that time be printed; hoping additional proof would be obtained, conducing to, if not establishing, significant results. Although the investigation has since been considerably protracted and extended, no further corroborating or elucidating testimony has been discovered and reached, in the two or three particulars of gravest indications.

One of these was "the Jasper" or "Ohio case;" the testimony herewith submitted of Riebley, Brooks and Dater, establishes the facts and undoubted probabilities of the case.

Without such evidence it would scarcely have been believed that a New York merchant, of Mr. Henry Dater's standing, to screen from just exposure official recipients of "facile appliances," would be found under oath, in the equivocal position in which his persistent testimony has placed himself.

Another was known in New York as the "Banner" case; it related to the ownership of cotton shipped on board a vessel of that name, at Matamoros, in Mexico, and consigned to the mercantile house of Smith & Thompson, doing business in Burling slip, New York. The cotton was believed to be rebel property and to be shipped by a rebel government cotton agent at Galveston, Texas, and to be one of a series of similar shipments between those ports.

It is impossible to read the testimony of Januarias and James Taylor, of the house of Smith & Thompson, and not entertain strong suspicions of the nature of that trade. The sworn ignorance of an active member of the conspiracy, with whom, and for whom, large cash entries were made, is a matter of which, if credible, is really wonderful. There was some sort of "strong evidence," but no doubt the committee would have been enlightened on these and other matters connected therewith had one J. H. Donahue been reached and placed upon the witness stand. This Donahue was the general agent, and formerly consignee of Stillman, the shipper of the cotton; and he was, if not an officer in the rebel service. His man of straw, a Bowdoin and Matamoros, was one Jerry Galton. Immediately on the committee's investigation, sending in the direction of an inquiry into the nature of that traffic to this Matamoros cotton trade, Donahue was not to be found. He turned up briefly in the winter; then there he hurried to Quebec where at latter accounts he was on journey. It is asserted that one of this mercantile firm of Smith and Thompson once told, that within the year this house had made for Stillman & Co. of Matamoros, one hundred thousand dollars, and "thousand commissions" for themselves. There was no proof before the committee that any part of "the million" or of the "hundred thousand" were used to make Donahue's stay over the border easy and agreeable.

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Another was known in New York as the "Banshee" case; it related to the ownership of cotton shipped on board a vessel of that name, at Matamoras, in Mexico, and consigned to the mercantile house of Smith & Dunning, doing business in Burling slip, New York. The cotton was believed to be rebel property and to be shipped by a rebel government cotton agent at Brownsville, Texas, and to be one of a series of similar shipments between the same parties.

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In the early part of last summer another cargo of cotton came to New York from the same port and consignor, consigned to the Burling slip firm. It was the intention of the committee to have thoroughly investigated this transaction, the ownership, shippers, and consignees of this cotton, believing, as they did and do, that rebel interests and privities, if not complicities, would have been developed. But data and papers requisite, which had been carefully gathered up, and, by official direction, placed in the hands of the United States district attorney, E. Delafield Smith, could by no diligence of the committee be obtained from his office, or traced elsewhere; the committee were therefore compelled to forego the investigation.

PASSING BAGGAGE FROM FOREIGN PORTS.

In this comparatively unimportant branch of the revenue service facilities for favoritism, petty bribery, and extortion have been constant and varied.

That improper practices by their very commonness should come to have almost a tolerated recognition is not surprising, considering the opportunities and the incentives. Aptness, attentiveness, judgment and integrity, in the discharge of important and often delicate duties, can scarce be secured, certainly not long retained intact, in situations where unenumerated thousands are "passed," or "pay" duty at the beck of men whose only legal salary is ten hundred and ninety-five dollars a year.

The committee submit herewith some of the testimony taken in the elucidation of this feature of the revenue business. Since this investigation commenced, some discharges have been made, some abuses have been corrected. While there is a gratifying improvement in this respect, it is believed yet more changes will follow, until, as is hoped, honest and competent men will no longer constitute the exceptional part of the force in this service. But this cannot be expected while the present vicious custom is winked at, if not openly tolerated, of allowing inspectors and special aids to eke out a scant salary by receiving and even soliciting gratuities from passengers and merchants having baggage and parcels to be passed.

PILFERING GOODS IN CUSTOM-HOUSE.

Peculiarly and forcibly are these suggestions illustrated in the appraisers' department of the customs, where necessarily large quantities of goods of nearly all descriptions and values are hourly exposed to depredation. Hence it is not surprising that numerous complaints of stealings and peculations have been made. The facilities for these practices, and the methods by which they are perpetrated, are detailed in the testimony of Richard Marvin and others. There is reason to believe, while all the persons named by Marvin have been removed, the same evil, to an extent, still lurks in the examining rooms. Joseph Rosenthal testifies that stealing goods is yet "a frequent occurrence;" that only cases sent to the examiners' rooms are found short; that such cases are usually marked as coming there in "bad order;" that cases not sent to the examining rooms, if in "bad order," are never or rarely "short."

The testimony of Mr. Charles A. Bulkley shows that in his importing line the pilferings continue.

APPRAISERS' DEPARTMENT.

The committee endeavored, with some diligence and patience, to familiarize themselves with the workings of this department in its multiform manifestations. They are frank to say they previously had very inadequate conceptions of the magnitude of the interests involved and concluded there. This will be readily comprehended upon the bare suggestion that six-sevenths of all the customs revenues of the United States are paid at the port of New York; that the

valuations on which this revenue is paid are substantially, definitely determined in that department. The golden appraisement there fixed as a generality concludes alike merchant and government. It may well be asked, what is the basis and whose the judgment that determine interests so vast and so varied? The committee propose briefly to answer these inquiries, and to do this properly it will be necessary to revert somewhat to the connexion subsisting between our revenue system and our consulates.

The revenue laws of the United States constitute American consuls commercial agents and aids of the Treasury Department. Invoices of imported goods, subject to *ad valorem* duty, require the verification of a consular certificate. Regulations issued by the State and Treasury Departments prescribe the formalities and requirements of such certificates. Repeated circulars have directed the attention of these consular agents to alleged under-valuations, whereby great and numerous frauds have been practiced upon the revenue. They have been specially instructed that to carry out the revenue system the government requires the correctness of certain invoices as to original cost or export value of merchandise should be ascertained and verified by them. Perhaps the statutory provisions and departmental regulations in these particulars are as explicit and comprehensive, and as mandatory, as a distant and, in some respects, irresponsible alien agency admits. Some of our foreign consuls are citizens of the United States, but selections even for the most important posts filled by them are rarely controlled by any supposed especial commercial qualifications. Generally these positions, if lucrative, are rewards for preparing an encomiastic biography, or for some political service rendered. Such men, with the best intentions, are incapable of rendering efficient aid to the revenue service in ferreting out frauds or ascertaining accurate valuations of merchandise set out in the invoices submitted to them.

The likelihood of efficient aid or of faithfulness is still less in the great majority of our consulates. Of foreign birth and citizenship, having little or no sympathy with our institutions or prosperity, perchance with private views directly antagonistic to our revenue interests, necessarily they are easily approached and induced, if not pecuniarily persuaded, to favor the representations of neighbors and countrymen. Then, again, the duties devolved are often complex and perplexing, even for a fair-minded, upright officer. The declaration required to be made before him purports to be a true and full statement of the actual cost and quantity, or of the actual market value, of the merchandise "at the time and place when and where the same were procured or manufactured." He is expected to verify this with official seal and certificate. And yet invoices of goods manufactured, or prepared for shipment, in Switzerland are sworn and certified to at Havre; invoices from Lyons are verified at Marseilles; those from the Prussian provinces of the Rhine, at the ports of Belgium and Holland.

Again, how are market prices of merchandise to be ascertained and determined? Sufficiently perplexing at any time, at some ports rendered doubly so by the production and report of some species of merchandise never offered for sale, and of course having no recognized valuation at the place of production, or at the shipping port, it is required that the invoices should be made in triplicate—one to remain with the consul certifying, one is delivered to the shipper, and one is sent direct to the collector of the United States port to which clearance is effected.

ENTRY OF THE GOODS.

On the arrival of his goods, or when the merchant seeks to take his goods out of the United States bonded warehouse, the importer's invoice, with his entry and sample cases of his goods, go to the appraisers' department for comparison and examination. If all is found correct and satisfactory, usually the duties are

laid upon the valuations or prices set forth in the invoice. Sometimes the appraisers raise the valuations of the invoices; but it would seem more generally their duties have been satisfied with comparing invoices and contents of cases, and determining the classification of goods, the rate of duties the different species of goods shall carry, and theoretically examining the correctness of the valuations set forth in the invoice.

The verification of the quantities in the cases, as the force is now constituted in that branch of the department, inevitably must be as it is—more theoretical than veritable reality.

It is quite apparent from this brief and imperfect summary of requirements and routine, that the valuations set forth in the invoice are regarded and treated at the custom-house as *prima facie*.

THE BASIS OF APPRAISEMENT.

Do not the revenue laws and regulations, in prescribing the official formalities with which invoices shall be clothed abroad, expect and intend, when thus invested they shall be heeded, if not substantially deferred to, in ascertaining and fixing valuations? Of course, not conclusive, as it was known, notwithstanding all these checks, through ignorance, inadvertence, or consular collusion, abuses might be practiced in getting up invoices, and consequently great frauds upon the revenue might result therefrom. The only counter check government could rely upon was the integrity, faithfulness, capacity and experience of its examiners and appraisers. Perhaps no supplemental check, dependent for success upon a combination of such qualities, could be devised to operate with invariable results. Certain it is, notwithstanding consular attestations and triplicates, false and fraudulent invoices have been palmed upon the customs home authorities, and in some trades for a series of years so successfully, that honest merchants, unable to compete, have been entirely driven out of some classes of the importing business. Particularly has this been true in the wine and liquor importations at New York, where, until quite recently, scarce an invoice of imported wines and spirits has been raised in the last ten years.

Considerations like these demonstrate not only the necessity of honesty and ability in the appraisers' department, but of tact, discriminating judgment, and adaptation to the appreciation and to the discharge of the duties devolved.

Experience, too, is here invaluable to the government. How can such qualifications—and they are indispensable to a proper administration of the department—be obtained and retained on salaries ranging from \$1,000 to \$1,800, when the services of such men, as was remarked to the committee by a large importing house, are in demand, and command, in importers' employ, \$3,000 and even \$5,000 a year?

The extent to which the revenue has suffered for the want of such men, "the right men in the right place," cannot well be appreciated. The developments in the late seizures in New York, known as the "wine and liquor cases," indicate not occasional evasions or peculations, but that by means of simulated invoices and false entries, gigantic combinations, organized to defraud the revenue, have been in successful operation for a series of years. Detection has already done much towards arresting, if not breaking up, these schemes, the initiative and incipient success of which was largely dependent upon foreign factors, not amenable to or not within the reach of our laws. Much credit is due to the naval officer, George Dennison, to deputy collector Albert Hanscom, to the general appraiser, Mr. Dorrance, and to the deputy naval officer, Mr. Franklin, for their indefatigable patience and industry in ferreting out and exposing these systematized villanies. And it is but just to say that, at all times, the committee received all needed information and assistance from each of these officers in the prosecution of their labors generally in the city of New York.

Another radical defect inheres in the very organization of the appraisers, department—several equals, with no recognized chief; thus, necessarily, there is no distinct individual responsibility in its administration.

A prescriptive usage pervades the whole revenue system, the operation of which, in this department, is productive of serious evil; removals and changes on mere partisan considerations. Sometimes skilled and experienced experts, however honest or competent, have been made to give place to men of no especial fitness—perchance whose best, if not sole recommendation, was ability to render or to have rendered political services.

There is, however, reason to believe of late more regard has been had to qualifications in making appointments, and men have been retained in responsible situations irrespective of their political preferences when thus the government could be best served. And there is an especial propriety in an adherence to this rule, for, with such qualifications or disqualifications these men are installed to pass upon and determine the characteristics and valuations of all the diversified commodities discovered, produced, or manufactured in any civilization, clime or land. Iron wares from Birmingham; silks from Lyons; laces from Mechlin looms; jewelry from Germany; millinery from Paris; cashmere shawls from Thibet; unwashed wools from Brazil; spices from the Orient; diamonds of a dukedom's value; tissues and textures of wool, and linen, and cotton, and silk, in all their multiform complexities, shades, values, and varieties, here are grouped, handled and estimated. On the knowledge and expert judgment here exercised is determined and levied the gold duties the government shall receive and the merchant shall pay.

There is yet needed here another peculiar qualification or knowledge. One witness states that "a large number of the invoices come out in French, Spanish, Italian, German, and all the various languages of Europe, and a large number of the examiners cannot read these languages; hence great confusion and mistakes sometimes occur." How can the unlearned Hibernian, the canny Scotchman, or the universal Yankee, be expected to know or to fathom the occult mysteries of francs, stivers, guilders, groschen, metres, ells, aunes, &c., &c., in which quantities and values are expressed? No wonder an intelligent and observing witness should say, "Men that are fit for examiners or assistant appraisers in that office, can get much higher salaries from the merchants."

The language of Mr. Dorrance, a general appraiser of large and ripe experience, is, "The present compensation is totally inadequate to procure a class of men such as should be employed."

The opinion of Mr. Benjamin B. Sherman, a retired merchant of New York, and often called to act between importers and government as merchant appraiser, is expressed to the same purport in these words: "The government needs here the smartest men it can get. It wants men of greater experience than it now has." *The remedy* for these great abuses he, in another place, says is to be found in placing at the head of these different departments in the custom-house the very best men that can be procured.

When the tenure of office is known to be so slight, and the compensation is felt to be so inadequate, what inducement have men to stimulate them to obtain a knowledge of the foreign valuation of merchandise; what inducement to acquire a familiar knowledge of the language and of the numerals employed in thousands on thousands of invoices, to express quantities and values, the precise significance of which lies at the very base of a proper discharge of their duties?

The manner in which sugars are examined and classified, preparatory to fixing the duty, as detailed in the testimony of Mr. Dorrance—how and by whom done—is suggestive of great abuses and of great frauds. His views as to the proper corrective are worthy of consideration.

THE APPRAISEMENT OF DAMAGED GOODS.

The manner in which damaged merchandise, especially groceries, is examined and appraised, the extent to which the revenue is affected thereby, is scarcely understood, certainly not generally appreciated, outside the respective trades interested in the results reached by the damage appraisers. For years the revenue has suffered largely by the damage appraisement of coffees, molasses, sugars, teas, &c. The rate or per centum of damage fixed being the per centum of pounds of the damaged commodity which comes in free of duty, it is palpably apparent that the margin of damages allowed importers has been very liberal. Of course it could scarce be susceptible of proof that considerations affected the estimates and conclusions of the damage appraisers. But the committee are glad to know that there has recently been some change in this department of the service.

Here, too, integrity, experience, and judgment are the best, if not the only safeguards of the government, for, as was significantly said by one who for twenty years had been connected with the service, "there is no positive standard by which a man can arrive at the amount of damage. It depends upon the examiner's discretion, and his capacity to judge how water may affect goods when it comes in contact with them. Different minds will come to different conclusions; and if there were corruption, it might be charged in any way to suit the case—to error of judgment, perhaps. There is no positive check upon the examiner's office," &c.

DRAWBACK DUTIES.

Notwithstanding all these diversions and sweatings of the revenue, it seems the cry of the horse-leech, "give," follows the residuum. Drawback duties—that is, the repayment of duties paid on the re-export of imported merchandise—have been made to subserve peculating practices. The *modus operandi* by which the government is made to return more duties than the exported goods paid when entered or taken out of bond, is succinctly set forth in the testimony of Mr. Dorrance. While there is reason to believe a better supervision and a closer scrutiny is somewhat abating this abuse, yet, beyond all question, in every quarter, if not in every week, very considerable sums are diverted and speciously subtracted from the government coffers by means of easy appraisements and adroit subterfuges.

THE REPAYMENT OR REFUNDING DUTIES.

Closely allied to drawback duties is the refunding of duties. Upon the plausible plea of the repayment of duties paid in excess, in mistake, and under protest, the treasury is subjected, more or less, to constant depredation.

The committee have not time to particularize, but the testimony discloses most transparent collusions; sometimes lacquered with the color of a legal recovery; sometimes the veriest audacity is sufficient and successful. The ramifications and the systematic devices of robbery, in this department of the customs, are not confined to trade or years.

COLLECTOR'S CASES.

Old matters long in abeyance are hunted up and prosecuted, sometimes without the knowledge of the very parties in whose names suit is brought. Even the statute of limitation seems to have lost somewhat of its quieting potentiality, or is certainly shorn of its availability. These collector's cases, so-called, average five hundred and over a year, sometimes running up to one, two, and even three thousand, involving millions of dollars, usually depend upon the application of one or two simple, plain, well recognized principles of law. A report in detail

of facts and testimony, and of the verdict rendered thereupon, in the United States district court, is made to the collector, and this controls all cases of that class. Yet it seems by law and treasury regulation the collector may not adjust and liquidate one of them without the interposition of a suit and the formality of a verdict. And yet the usual costs in each of these instigated suits against the government are no small item, and when multiplied by 500, 1,000, and even 2,000, form an aggregate of no small dimensions. The papers and data to make the adjustment, or computation of what, if anything, is due parties, are necessarily in the custom-house. There, if anywhere, are persons whose business it is to be familiar with all the facts and papers and principles in each case—there, it would seem, propriety would require the adjustment should be made, and be reported to the clerk of the court, to enable him to make up and enter the judgment.

FEES OF A CLERK.

Finding in existence the anomalous practice of the clerk of the United States district court sending to the collector's office to obtain papers and data to enable him to make adjustments, which seemed so peculiarly the appropriate work of some of the custom-house officials or employés, the committee were led to inquire if there was any extra expense attending the making of these adjustments at the custom-house. Being answered in the negative—that, on the contrary, the present mode of having it done by the clerk of the court did involve a large extra expense to the government of some thirty dollars clerk's fees in each suit, the committee were very naturally led to inquire, who is this favored clerk? The answer was, Kenneth G. White, the son-in-law of Judge Nelson, of the United States Supreme Court. By whom, when, and for what reason was the order made, directing the clerk to assume these adjustments?

Answer. Judge Nelson made the order two or three years ago, upon the single suggestion of a claim lawyer, that his cases were delayed; whereupon, in the witness's words, "the judge fired up," and without further argument or other examination, ordered that, thereafter, the clerk of his court *should adjust all* such cases. Under that ruling, that functionary, in addition to all his other duties and fees, which are neither few nor small, adjusts thousands of cases a year, charging and receiving therefor costs that each year run, if witnesses may be believed, from fifteen thousand dollars up into the fifties, if not far above.

CONFISCATION CASE.

Another case pertaining to the practice and practices which obtain in and around the United States courts in New York seemed to require from the committee some attention. This was the "Minnesota mining case." It appeared that some sixty thousand dollars of the stock of a company of that name were of rebel ownership, and that the same was informed against, libelled, condemned. The government share of the forfeiture was duly paid over. But some of the preliminary and intermediate steps are of startling import. It appears by the testimony of Mr. Nelson that, learning that large amounts of valuable mining stock was owned by a rebel general Mercer, he called at the United States district attorney's office, in New York, about two years ago, and advised him thereof, assuring him that he did not want any share that might accrue to an informer, as he believed in times like these government needed and ought to have all such forfeitures. Mr. Smith assured him there was no law by which private property could be forfeited, &c. That after some further conversation he left the office without handing in the written notice he had prepared. In a short time after a Mr. Mudgett, it appears, became an informer at the United States district attorney's office, against this same mining stock. After the entry of default, and

before the formal decree of condemnation was entered, he was required to sign at the district attorney's office an obligation to divide one-half of the informer's share with Ethan Allen, the assistant United States district attorney. After some hesitation and parleying, Mr. Mudgett, for reasons that appear in his testimony before the committee, entered into such written stipulation.

After the payment of all expense, counsel fees, including the taxed costs and $2\frac{1}{2}$ per cent. commission which went to the United States district attorney, there remained for the informer, Mr. Mudgett, about \$29,000. One half of this sum, according to stipulation, he paid to the assistant United States district attorney, Ethan Allen, in presence of E. Delafield Smith. Subsequent to all which, on solicitation, Mr. Mudgett addressed a note to Mr. Allen stating that he cheerfully gave him one half of his share of the forfeiture. Mr. Allen's views and version of this case appear in his explanatory testimony taken before the committee, and in the presence of Mr. E. Delafield Smith. It is well that the whole transaction from its inception to its close needs no comment.

In its examination proper of custom-house matters, and transactions affecting government revenues, the committee discovered that no one of the numerous departments, bureaus, desks or clerks, is specially charged with the examination of the extensions or computations of the invoices presented for entry, and upon which duties are paid. There has been no such continuous, systematic examination since 1861. Formerly, six clerks were charged with this sole business. In the fall of 1860, in virtue of an order emanating from the Treasury Department to reduce the number of employés in the custom-house, five of the six were at once discharged. All pretension to such examination ceased in January, 1861, by the sixth or remaining clerk going out of public service. Since which, if errors exist in the extensions or computations of invoices, this discovery is not a result, but an accident.

The bare statement of such a condition of things ought to induce the immediate employment of a force adequate to the careful examination, at least proper scrutiny, of papers constituting a substratum of such vast importance in our whole revenue system as do these talismanic invoices of the importing merchants.

As the result of this imperfect investigation and examination, the committee are strongly impressed with the conviction that the opportunities for the perpetration of abuses and frauds, the inconveniences and annoying delays in the workings of the present custom-house system of collecting the revenue, might be greatly abridged if not measurably remedied by an entire revision and reorganization thereof; and that such reorganization would, or should, result in abbreviating, simplifying, economizing, and rendering more efficient all the principles and the details—as a consequence, an enduring, equable, and equitable, protective and productive revenue. It must be admitted, as at present administered, all comparatively is cumbersome, complicated, expensive, dilatory. Checks become formalities, not preventives; circuities become annoyances, not certainties; in short, multiplicity of papers, and signatures, and record entries, seem almost to insure impunity.

But the most perfect and best adapted machinery will fail of satisfaction and of success in incompetent and inexperienced hands. Good men, honest, competent, and efficient, should be sought out and placed in all the positions requiring tact, skill, and judgment, and on such salaries as will enable them to live and continue honest; they should hold their situations by such an assured tenure as to induce application and faithfulness. Thus would the government have the benefit of experience, every year growing more valuable. Such is the tenure of office by which the employés hold, and are held, in the United States treasurer's office in New York, and its operation is there found to be satisfactory and highly acceptable to the head of that most important and most responsible public trust.

As is very well known, this feature of tenure of office during good behavior, or the proper discharge of office duties, obtains extensively, almost universally, in all the branches of the public service in England, and its working is thought to be eminently *pro bono publico*. We have recently made a beginning in this direction, by declaring in the act of June 30, 1864, that hereafter "no consular clerks shall be removed from office except for cause stated in writing, which shall be submitted to Congress at the session first following such removal." Such a provision applied to the New York custom-house appointments, subordinate to the collector, while it might curtail it somewhat of its political power, would, in the judgment of the committee, be eminently satisfactory to the merchant and of vast pecuniary advantage to the government.

C. T. HULBURD.
E. H. ROLLINS.
JESSE LAZEAR.

I concur in the above report as far as it goes, except so much thereof as recommends the continuance in office of individuals during good behavior.

F. C. LE BLOND.

TESTIMONY.

NEW YORK, *April* 19, 1864.

WILLIAM B. BROOKS sworn.

By Mr. LeBlond :

Question. Where do you reside ?

Answer. In Columbus, Ohio.

Question. Are you a member of a firm organized in Columbus, Ohio, to ship goods to Matamoras in the spring of 1863 ?

Answer. Yes, sir.

Question. What bark was employed ?

Answer. The Jasper.

Question. Who chartered her ?

Answer. The company or the firm of Rickley, Barber & Co.

Question. Did she make the trip for which she was chartered ?

Answer. No, sir.

Question. What prevented ?

Answer. Her seizure by the custom-house authorities, by which we lost probably some \$40,000.

Question. Please go on and make a full statement in regard to the chartering, loading, and seizing by the government of said bark and cargo, and what means you finally adopted to get out of the difficulty.

Answer. I came here from Columbus to do the purchasing. I was appointed treasurer of the company, and when I arrived here I found that they were chartering vessels direct for Matamoras. Learning from my cousin, Joseph Perkins, that lumber in Matamoras was bearing a better price than anything else, I resolved to load her with lumber, and therefore we chartered a vessel to go to St. John to finish out her cargo with lumber from that place, and from there she was to go to Matamoras. When we got the vessel all loaded and ready to start, they came forward here and demanded that we should give bonds to the amount of some one or two hundred thousand dollars, I don't remember which. They set the figures so very high that at first we didn't know but we should give up the whole business. I said that we might as well go ashore ; I can give the bonds if any man can. I prevailed upon my friends to give the bonds, and when they were placed in the custom-house, the officers said—and I think they will tell you so—that they were the best bonds presented to the custom-house for that business ; that they were all right and satisfactory. When we were about ready to sail—in fact, we had our clearance all ready—the vessel was detained, some said from one cause, and some from another. I could not tell exactly what it was. We were hustled about from one point to another. Some big stories were got up that the wagon wheels were loaded with powder, but we had nothing contraband of war on the vessel. Our articles of agreement prohibited anything of the kind. I introduced a resolution in a meeting of the company myself to that effect. Our goods were designed for Mexico and for the Mexican trade, and for nothing else, or we should not have given such bonds. The vessel was detained here. They gave orders that she should not go, and we gave our word that we would not go until we could go legally. When

we were about going out they sent a revenue cutter and stopped her. She was brought back. They got word that Governor Chase was interested in the cargo. It was as foolish as many other statements that were afloat in regard to the matter. I employed Dexter A. Hawkins as a lawyer to assist us in adjusting the matter so as to get the vessel off. I also employed Henry Dater, of the firm of Dater & Wattles, and I placed funds in his hands to use as he might think best in the premises. They still held on to the vessel. It was understood, generally, that the government wanted to prohibit and stop that trade entirely, and that seemed to be the view or understanding they took of the matter, and under these circumstances we proposed then to unload the cargo and discharge it, which we did. After we had agreed to unload we then went on to unload the vessel.

Question. Was there any money paid by you to any custom-house officials, or to anybody else, with the understanding that it was to be paid into their hands?

Answer. Not that I know of.

Question. In your account with the company there was \$3,500 charged; what was that for?

Answer. I don't know what it was for. Henry Dater used it, or was to use it.

Question. Was it not understood here and communicated to you, Rickley, or some of the company, as well as other persons, that if money was paid to certain persons in the custom-house, this matter could be closed up?

Answer. I heard more than forty persons say that; that that was what they were waiting for. I heard such kind of talk on the street.

Question. After you paid this money into Dater's hands, how long was it before the matter was all adjusted and you were permitted to dispose of the cargo?

Answer. I do not recollect. I went home; I did not wait. They detained the vessel, I think, a month after all these arrangements were made.

Question. Do you think you reported to your partners this money, \$3,500, as lubricating money?

Answer. I suppose so; something of that kind.

Question. What was your understanding—that it was to be paid to certain officials?

Answer. To be made use of to the best advantage; to get the vessel off our hands and our minds; to get the vessel released or discharged.

Question. What did Dater say to you afterwards that he had done with this money?

Answer. He never told me what he did with it.

Question. Did he give you to understand, by direct or indirect statements, that he had used it in the way of paying for releasing the vessel and cargo?

Answer. I think he said he had made use of the money, and he had got the thing off, or something like that.

Question. Did he render any account of the money that he paid—receipts or anything of the kind?

Answer. No, sir; nothing of the kind.

Question. Where does Dater reside?

Answer. In this city; he is of the firm of Dater & Wattles, merchandise brokers.

Question. Did you communicate to Mr. Hawkins what you proposed to do?

Answer. No, sir; I did not consult with him in regard to paying the money.

Question. When you paid it over to Dater what was your understanding—that the money was to be paid to the persons that had control of this matter?

Answer. I did not pay it over to Mr. Dater; there were funds left there on an open account with Dater & Wattles. They had always been very reasonable in their charges for the business they transacted for me, and I told them to do the best they could in getting the vessel and cargo discharged.

Question. When you adjusted your account with them there was this charge of \$3,500?

Answer. Yes, sir.

Question. In what way did they report the money as expended?

Answer. I think it was put down as brokerage.

Question. Had you had any brokerage with them which would amount to anything like that?

Answer. They had assisted us a good deal.

Question. You did not understand that this was for legitimate brokerage?

Answer. I do not think that it would come to that amount.

Question. Did you not give your brokers, Dater & Wattles, the privilege to use some of those funds in any manner they saw proper to release and discharge the cargo?

Answer. Yes, sir; I told them to get rid of it in any way possible.

Question. Has Mr. Dater, or any other gentleman connected with the disposition of these funds, told you at any time what use they had made of them?

Answer. No, sir; they have not.

Question. Was there any part of this \$3,500, to your knowledge, that went to the district attorney, Mr. Smith?

Answer. Not a dollar of it.

Question. You have never received any information of that kind?

Answer. Not at all.

Answer. Did you give to anybody else any money to be used for the purpose of getting your vessel and cargo released of that suit?

Answer. Yes, sir.

Question. To whom?

Answer. To Mr. Hawkins.

Question. Other than attorney fees, have you paid anything else?

Answer. No, sir.

NEW YORK, *April* 19, 1864.

JOHN J. RICKLEY sworn.

By Mr. LeBlond:

Question. Where do you reside?

Answer. Columbus, Ohio.

Question. Were you a member of a company or organization that chartered the bark Jasper, and loaded her with goods to be shipped to Matamoras from this port?

Answer. It was not an organized company; it was merely a firm. I am still a member of the firm.

Question. What was done with the bark?

Answer. She was lying down here in the bay all the summer.

Question. Perhaps you had better go on and state how you came to load her, and what she was loaded with.

Answer. We organized a company or a firm of some ten or twelve individuals for the purpose, in the first place, of buying cotton in Matamoras. I was appointed the agent to go to Matamoras to buy the cotton and to bring it here. Mr. W. B. Brooks was appointed treasurer of the company. This was in April, 1863. At that time speculation was running very wild. Some of the members proposed buying a stock of goods and taking them down to Matamoras. Some proposed dry goods, some groceries, some one thing and some another. Mr. Brooks came on here and commenced purchasing a stock of goods. I did not buy any goods. He bought groceries, flour, nails, bacon, hams, corn, and a general cargo of things of that kind. I came on here some two weeks after Mr. Brooks started, supposing that he had the goods all ready for me to start with.

Instead of that, when I came here nothing was done. He had not bought any goods, and had not chartered a vessel. A few days after I came here he chartered a vessel and then commenced buying goods. He went to the custom-house and to different parties to see what we could ship there, and to see what would be considered contraband of war. That was in our agreement at home, that we should not purchase or deal in anything that would be considered contraband of war. I got the custom-house regulations, and found that there was not any trouble so far as Matamoras was concerned, because the government had made regulations how the trade could be carried in there; we went according to the regulations—at least, Mr. Brooks did—and the whole cargo was cleared, and there was not a word said about it when the vessel was cleared. They never said a word to us until we got down to the revenue cutter. The name of our vessel was the Jasper. The regulations required that we should give a bond double the amount of the cargo, and that the goods should not be sold in any part of the southern confederacy, but should be sold and consumed in Mexico. We gave a bond to the custom-house for \$100,000, that the goods should be sold in Mexico; and not only sold there, but consumed there. Then, after all that was done, we started off. We supposed everything was all right, and that we had a right to go. When we got down the bay we were hailed by an officer on the revenue cutter and ordered to stop. The captain wanted to know what it was for, and he said his orders were to stop her. Finally he said that the order came from the provost marshal; that he really had not any authority over him, and that he would go up and see what it was; that if it was anything worth while we would have to stop, otherwise we might go on. He came up to the city and afterwards told us that there was nothing wrong, and we might go on. We were not in a hurry; there was no wind, and we thought we would not go to the expense of a tug steamer to tow us out. The next morning another officer came and stopped us, and they kept us about three months—I don't remember exactly how long—until everything rotted in the vessel.

Question. Just tell us what you understand to be the cause of this arrest of your voyage.

Answer. We did not know what the trouble was. We then employed an attorney, Mr. Dexter A. Hawkins, to see what it was, and we went up to the provost marshal, and we found there were ten or twelve affidavits there from Columbus and different parts of Ohio, to the effect that we were a company formed to do an illegal business, and it was supposed to be such. No one knew anything about it. We did not tell anybody at home what we were going to do. One would say that we were going to run the blockade, and another would say another thing, and they made ten or twelve affidavits, but there was no point in any of them. Finally, we got tired of staying round here. There were three of us—L. Cone, Brooks, and myself. The thing went on, and from time to time they would refer us to the provost marshal. They fooled around with us in this way for two or three weeks, telling us one day that we might start off the next. Finally, he found that he had no jurisdiction in the matter, and he handed all the papers back to the custom-house officers and we had to start even. We had to make affidavits of what we intended to do. We were kept week after week and month after month until we got tired of the whole thing, and everything on board the ship was going to ruin. Propositions were made to us by outside parties—men that I did not know, and would not if I should see them again—who would tell us, "You are fools; you are not smart;" "Why are we not as smart as the rest of mankind?" "Why don't you give these custom-house officers a thousand dollars apiece? If you had done that four or five weeks ago you would have been off a good while ago." These propositions were made by outside parties; who they were I don't know. I understood afterwards that there was an amount of money paid to somebody, but I don't know who it was paid to.

Question. Did you finally have a trial?

Answer. Not that I know of.

Question. Was the vessel and the cargo released?

Answer. The cargo was released.

Question. What did you do with the cargo after it was released?

Answer. The goods were unloaded and sold here, and the project abandoned.

Question. You say that you understood that money was paid; from whom did you get that information?

Answer. I got that information when we came to settle, and when Mr. Brooks, treasurer of the company, gave an account of his matters. I did not tell the whole story. Before the case was decided here whether we could go on, or rather whether the goods should be unloaded here, I went off to Mexico. We had a small cargo of lumber sent down there, and a few other things, as we had calculated to put up buildings for ourselves to put in the goods, and I had to go down and dispose of this lumber and save what we had there. The goods were unloaded here while I was away, and were sold, as I was informed. When Mr. Brooks gave in his account to us he had \$3,500 charged; I don't know exactly how he charged it, but I think it was "grease money," or something of that kind.

Question. That he had charged in his account in settling with the concern?

Answer. Yes, sir.

Question. Did you understand from Mr. Brooks to whom this money was paid?

Answer. Yes, sir; I think so.

Question. Who were the parties?

Answer. I think he had a man employed here, or some man went to him and told him he could fix it for him, or something of that sort. I understood that it was Henry Dater, of the firm of Dater & Wattles.

Question. To whom was this money paid by this middle man, according to your understanding?

Answer. That I cannot tell you.

Question. Has Mr. Brooks the names of the parties to whom the money was paid?

Answer. That I cannot tell you.

Question. Did he ever inform you whether he had or not?

Answer. No, sir.

Question. Did you understand from Mr. Brooks that any part of this money went to the district attorney?

Answer. No, sir; I never heard him say who it went to.

Question. All you know is that \$3,500 was paid?

Answer. I know the company is out \$3,500 for "grease money."

By the chairman:

Question. What benefit did the company receive in payment of this money; what was the favor extended?

Answer. I could not tell you; the company had no understanding at all about it; I do not know that any member of the company, except Mr. Brooks, knew anything about it.

Question. He could not have paid out that money without some benefit to the company?

Answer. The trouble was that our cargo was here spoiling; we wanted either to get it unloaded before it all spoiled, or we wanted to take it to its destination—we wanted to do one thing or the other. As I said awhile ago, it was intimated to us that we were not smart; if we had been, and had paid a thousand dollars apiece to the custom-house officers, we would have been off long ago. Mr. Brooks finally thought it would be a benefit to unload. If they had let the cargo go, there would have been some sense in paying for it, but not in paying for the privilege of unloading it in New York.

Question. What finally became of the cargo?

Answer. It was sold here in the city.

By Mr. LeBlond:

Question. After the payment of this \$3,500, did further prosecution cease, or did they go on with it?

Answer. I don't know when this \$3,500 was paid, but I presume that all further prosecution ceased.

Question. Then your understanding was, that the \$3,500 was paid for the purpose of abandoning any further prosecution of the claim, or harassing you in that enterprise?

Answer. Something of that kind.

Question. Was the association sued and the property libelled?

Answer. I did not so understand it; we never had any subpoena served upon us. Mr. Brooks had the management of the matter; I did not pay much attention to it until the thing got to be so harassing that I went with him and assisted him all I could before I went to Mexico.

Question. I would ask you if you received information from Mr. Hawkins, your attorney, that money was paid out in this way?

Answer. No, sir; I did not receive the information from him that it was paid out. It was rather talked of in his office. We had a conversation there whether we had better do it, and he disapproved of it; I disapproved of it; others thought, Mr. Brooks thought, that they had harassed us so long that we had better pay it if they would let us off. Before the thing came to a settlement I went off, and when I came back last fall, in September, I looked over the account; it was a month or two after I got back. I was appointed one of a committee to investigate the affair with the custom-house, and in looking over Brooks's account I found that he had charged \$3,500; I do not remember how he called it, but I think it was grease money. There has been a good deal of hard feeling among the members of the company about it; some thought it was wrong on principle to pay it, and some thought it was wrong to pay it any how, and others thought if we had wanted to pay anything, it ought not to have been done unless the cargo was remitted to its destination.

NEW YORK, *April* 20, 1864.

HENRY DATER sworn.

By Mr. LeBlond:

Question. Do you reside in this city?

Answer. In Westchester county.

Question. What is your business?

Answer. I am in the brokerage and commission business.

Question. Have you any knowledge of the chartering of the bark Jasper by William B. Brooks & Co. a year ago?

Answer. Not of my own knowledge; I have heard them say that they chartered such a bark; I never saw the charter.

Question. State if you know, by rumor or otherwise, whether she was seized by the custom-house officials?

Answer. I know she was seized by the custom-house officials.

Question. Will you state whether any funds were placed in your hands to be used for the purpose of getting her released?

Answer. Yes, sir; I had funds from Mr. Brooks or the concern, whichever it was, which were to be used as I thought best.

Question. Will you state what disposition was made of these funds placed in your hands for that purpose?

Answer. I did not pay them over to anybody here in the custom house; they never got any of the money.

Question. To whom was the money paid?

Answer. I did not pay any of it to anybody.

Question. In what way was it used?

Answer. I used it for my own manœuvring round amongst parties; I paid myself for my own trouble.

Question. Did you keep, for yourself, the \$3,500?

Answer. Yes, sir.

Question. Did you never pay any part of it out to any other parties?

Answer. To nobody.

Question. Did you give it to anybody to be paid out?

Answer. I did not.

Question. How did you account for it to Mr. Brooks?

Answer. I did not make up the account; my partner made it up; I do not know how the account was.

Question. Was the vessel, soon after this money was put into your hands, released?

Answer. I cannot tell you; I do not know how long it was. She was afterwards released.

Question. What did you say to Mr. Brooks when he asked you the other day to whom you gave this money?

Answer. I did not tell him anybody.

Question. What was your answer to him?

Answer. I do not remember what I did answer him.

Question. Did you say to him that if he did not know he could not tell?

Answer. I might have said that to him.

Question. Did you loan any of that money, or hand it to anybody after it came into your hands?

Answer. I did not.

Question. With whom did you have conversation, in reference to the release of that vessel, after the receipt of this money?

Answer. We had an account with Brooks; this money was deposited in the bank to the credit of Brooks from the time, I think, that they first commenced purchasing the cargo for this vessel.

Question. And he authorized you to use that money for the purpose of releasing her?

Answer. I suggested to him that it would be necessary for him to use some money.

Question. For what purpose?

Answer. I thought he was pretty pliable; I was not willing to work for nothing.

Question. Did you suggest to him that this money was necessary in order to get the vessel released?

Answer. That was the reputation of most things in this city, and that it would be necessary to get some pay before this bark went to sea.

Question. Did you say in this city or the custom-house?

Answer. I think in the city; I will not be positive about that.

Question. Did you not intimate to him that money was necessary to be used in the custom-house, in order to get that vessel released—paid to the custom-house officials?

Answer. I could not say whether I did or did not.

Question. And you say that no part of that \$3,500 was paid by you directly or indirectly for the release of that vessel?

Answer. I do.

Question. And you say that no part of that money was paid by you to any person or persons to be used for the release of the vessel or the cargo?

Answer. I do.

Question. Did you keep the \$3,500?

Answer. Yes, sir.

Question. Who is your partner?

Answer. Mr. Wattles.

Question. Did he use any of it?

Answer. Not to my knowledge?

Question. Did he have access to it?

Answer. It was in the bank.

Question. To whom did you talk, and with whom did you use your influence for the release of that vessel?

Answer. Mostly Mr. Hawkins, the attorney of Mr. Brooks.

Question. Did Mr. Hawkins get any part of this \$3,500?

Answer. Not that I know of.

Question. Did your partner?

Answer. Not that I know of.

Question. Did you talk with the custom-house officials about it?

Answer. I did not.

Question. Did you procure anybody else to talk to them?

Answer. I do not remember that I did.

Question. Who did you labor with for the purpose of bringing about the release of the vessel and cargo?

Answer. I attempted to run this matter through Mr. Hawkins; I used to run to his office very frequently.

Question. And for which you charged Richley, Brooks & Company \$3,500?

Answer. Yes, sir; we don't work cheap down here.

Question. Did you not intimate to Mr. Brooks that you paid that money out for the purpose of getting that vessel and cargo released?

Answer. I do not remember that I ever did.

Question. Then you want it to go forth to the world that for running to Mr. Hawkins's office and talking with the attorney, to whom they had paid a valuable consideration for all his labor, that you charged \$3,500?

Answer. Yes, sir.

Question. And that you thereby fleeced Brooks, Richley & Company out of \$3,500?

Answer. I made \$3,500 out of the operation and kept the money.

Question. Did anybody else ever share any part or parcel of this \$3,500, save yourself and your partner?

Answer. That is all.

Question. Did not your partner negotiate for the release of this vessel?

Answer. I don't know anything about his affairs.

Question. Did you not direct him to do so?

Answer. No, sir.

Question. Has he ever told you that he did anything of the kind?

Answer. He has not.

Question. Did you talk with nobody else—perform no labor in the matter?

Answer. I might have mentioned it to parties here; I think likely I did.

Question. Did you talk with anybody who was interested in the detention of the vessel, or in favor of its release, other than Mr. Hawkins?

Answer. It appears to me that I talked to a custom-house broker about the vessel.

Question. What broker?

Answer. I think his name was Washington.

Question Did he do anything in it? Was he employed by you, or was anybody else employed through your procurement?

Answer. Not that I know of. I don't know what he did in the matter; I merely talked with him about it. I mentioned to him that Mr. Brooks was the party that drew up the bond for the vessel. There were two parties that went on the bond for this vessel's clearance; Mr. Sturges was one.

Question. Did you not say to Mr. Brooks since he has been here in the city, "That when men had favored you, you were not disposed, and, by God, you never would betray the trust they had reposed in you; and that when you were just as guilty as they were, you would not disclose in public the truth?"

Answer. I do not remember.

Question. How long have you been doing business for Mr. Brooks?

Answer. I have been buying goods, as the firm of Dater & Wattles, for him, I should think, about two years.

Question. Your firm had sums of money upon deposit for him from time to time?

Answer. He never kept a cash account with me until the firm was Dater & Wattles; since that time he has kept a bank account with us; that is, he has frequently sent his checks to us.

Question. Has this amount of money, \$3,500, been paid out at any time by you since it was put into your hands?

Answer. I do not make up the accounts; when that account was made up he was charged with this money, \$3,500.

Question. Has any one received a credit upon your books or checks for a corresponding amount, or any part of it?

Answer. I don't know.

Question. Without their being absolutely indebted to you for goods sold or business done?

Answer. I really don't know; I do not keep the books; I don't know as I understand your question.

Question. Have you passed to the credit of any party or parties upon your books, (I speak of this \$3,500,) a corresponding amount, either for the whole amount or any part of it?

Answer. I do not think that we ever did; I don't know of any such entry; I never made any such entry. My partner kept the books.

Question. Was any such entry authorized by you?

Answer. Not that I know of.

Question. Is it likely that an entry of such a character would be made upon your books without credit being given?

Answer. I don't think that anybody has got credit upon our books for \$3,500.

Question. Or any part of the \$3,500, without some regular business transaction?

Answer. No, I should think not.

Question. Has any one, since the time that that money was paid into your hands by Mr. Brooks, placed in your hands the sum of \$3,500 to reimburse Mr. Brooks or the company?

Answer. There has not.

Question. Has there been any amount paid into your hands that was out of the ordinary way of doing business?

Answer. No, sir.

NEW YORK, *March 25, 1864.*

MICHAEL DONOHUE sworn and examined.

By Mr. Rollins:

Question. Have you a son by the name of John H.?

Answer. Yes, sir.

Question. Does he live with you?

Answer. He does not live with me at present; he is off.

Question. Where is he?

Answer. He is in Pennsylvania.

Question. What part of Pennsylvania?

Answer. I cannot tell you exactly the place.

Question. Suppose you were going to write a letter to him, where would you address the letter?

Answer. My wife can tell.

Question. Cannot you?

Answer. I cannot write myself.

Question. Do you undertake to say that you don't know where your son is?

Answer. I know that he is in Pennsylvania; I think the name of the place is Roxbury, as near as I can understand.

Question. What is he doing there?

Answer. He is visiting there.

Question. Who is he visiting?

Answer. His cousin.

Question. What is his cousin's name?

Answer. Her maiden name was Morrar—Mary Morrar.

Question. What is her name now?

Answer. Her husband's name is Amos Haley.

Question. What has been the business of your son?

Answer. He has not been in business for some time.

Question. What was his last business?

Answer. He was a clerk.

Question. For whom?

Answer. His first place was with a man by the name of Shires.

Question. What was the next place?

Answer. I understood his name was Stillman, I could not tell you his Christian name.

Question. Where was Stillman's place of business?

Answer. I could not tell you exactly the street.

Question. Was it Burling slip?

Answer. I believe it was, as near as I can state.

Question. How long was he clerk for him?

Answer. I could not tell you about the exact time?

Question. About how long?

Answer. I would not like to state the number of years?

Question. Was it five?

Answer. I guess it was.

Question. When did he close his engagement with him?

Answer. That I could not state positively.

Question. State as near as you can when it was that he closed his engagement with Mr. Stillman.

Answer. I could not say positively, because I do not know.

Question. State as near as you can.

Answer. It might be a year since he has been in business, for anything I know; I could not tell any time that he did business for Stillman because I never inquired of him; it is clear out of the line of my business to interfere with his business.

Question. He lived at your house; do you pretend to say that he was discharged by Stillman, and you did not know anything about it?

Answer. I could not tell.

Question. Do you pretend to say that you cannot tell about what time he left that employment?

Answer. If I could go to the doctor who attended upon him when he left I could tell.

Question. I want you to state very near the time when he left.

Answer. I know he was sick before last August, and he went to the country for the good of his health; how long he was out of employment before that I don't know.

Question. Do you think he has been out of employment a year?

Answer. That I would not say positively.

Question. Why did he leave the employment of Mr. Stillman?

Answer. That I could not tell you.

Question. Was he discharged?

Answer. That I could not tell you.

Question. You never asked him why he left?

Answer. I never asked him.

Question. Did you ever hear him give any reason for leaving?

Answer. No, sir.

Question. Do you know who took his place as clerk?

Answer. I do not.

Question. During the time that he was employed by Mr. Stillman did he receive letters from Mr. Stillman, who was away?

Answer. I presume he has; it is likely he has.

Question. Where does your son keep his letters that he receives from various parties?

Answer. That is more than I can tell you.

Question. Does he not keep them at your house?

Answer. That I could not say.

Question. Would you not be likely to know where he kept his papers without making inquiry of him?

Answer. He might keep them in his trunk.

Question. Where is his trunk?

Answer. I don't know whether it is in the house, or whether he took it away?

Question. Don't you know that it is there?

Answer. I do not.

Question. Has your son any employment now?

Answer. Not that I know of.

Question. Has he had any since he left Stillman?

Answer. Not that I know of.

Question. He was agent for Stillman?

Answer. I presume he was.

Question. Have you not, since he has been thrown out of employment, paid a portion or all of his expenses?

Answer. Of course; I kept him when he was sick.

Question. Have you not given him money, from time to time, to pay his expenses?

Answer. No, sir.

Question. Have you not given him any money at all?

Answer. No, sir.

Question. Only boarded him?

Answer. That is all.

Question. You say he has been out of employment for nearly a year. From what source has he received money to pay his personal expenses, aside from his board?

Answer. That is more than I can tell you; I presume he had money of his own.

Question. Don't you know that he has received money from somebody since he left Stillman?

Answer. I don't know anything about his business in that line.

Question. Did you never hear him say that he had received money?

Answer. I never heard him say anything of the kind.

Question. Did you understand that your son was called upon to give testimony in a lawsuit?

Answer. I heard so; his mother told me that there had been folks after him.

Question. What did he say about this suit?

Answer. That is more than I can tell you.

Question. Did you never hear any conversation between himself and others about it?

Answer. No, sir.

Question. Why did he go away immediately?

Answer. It was probably upon that account, for anything I know; I heard so.

Question. Who told you so?

Answer. My wife said he did not want to trouble himself with them.

Question. Do you know that he had any talk with any persons in this city in reference to his testifying?

Answer. No, sir.

Question. Did not Stillman send him some money after he left?

Answer. I don't know anything about it.

Question. Do you know Mr. James Smith and Benjamin Dunning—Smith & Dunning—at Burling slip?

Answer. I saw a gentleman once or twice at my house; they called him Mr. Smith.

Question. How long have you known him?

Answer. It was at the time that John was unwell. I could not state exactly the time.

Question. He called, then, at your house?

Answer. He wanted John to come down to his office; whether he went or not I could not say.

Question. How many times did he call at your house?

Answer. I could not say whether he called more than twice or not.

Question. Do you know what his business was?

Answer. No, sir. I did not hear any conversation between them; I heard them talking in the room, but I could not tell what their business was.

Question. Has Mr. Smith been to see him within a month?

Answer. Not to my knowledge.

Question. Has your son received any letters from him?

Answer. That is more than I can tell you.

Question. Have you not received any letters from your son since he has been in Pennsylvania?

Answer. My wife has.

Question. When?

Answer. I understood she received one last night.

Question. Did you or your wife give him money when he went away to pay his expenses?

Answer. I did not.

Question. Do you know whether anybody did?

Answer. I do not.

NEW YORK, *March 25, 1864.*

JAMES DONOHUE sworn and examined.

By Mr. Rollins:

Question. Where do you reside?

Answer. 141 Goerck street, with my father; I have always lived there except a month or so, when I have been in the country.

Question. Have you a brother by the name of John H.?

Answer. Yes, sir.

Question. How has he been employed for the last five years ?

Answer. As a clerk.

Question. For whom ?

Answer. For Shires & Oliver at one time, and Charles Stillman.

Question. How long was he employed by Stillman, and when did he finish his business engagement with him ?

Answer. It was shortly after Shires's death that he was employed by Mr. Stillman.

Question. About how many years was he employed by Stillman ?

Answer. Two, three or four years. I don't know exactly how long.

Question. When did he close his engagement with him ?

Answer. That I could not tell you exactly; I think it was last summer or fall.

Question. Was he there as Stillman's agent in this city ?

Answer. I don't know that he was his agent.

Question. He transacted Stillman's business here.

Answer. He did business for him. I don't know whether he passed as clerk or agent.

Question. Did he hold correspondence with Stillman ?

Answer. I don't know anything about that; I was never placed in a position to see letters which he wrote.

Question. Do you know how the business engagement between them came to be broken ?

Answer. I do not; I know John was sick a very long time, very sick twice; whether that interfered with the business, and he (Stillman) got somebody else, I don't know; I never asked him why he left Stillman; I don't know that his connexion with Stillman is dissolved to this day; my opinion is that it is; I don't know positively.

Question. Has your brother received any money from Stillman or other parties since that engagement within the last few months ?

Answer. Not to my knowledge. I will state, in addition to that, that he would not be likely to let me or my father know it.

Question. Do you know the reason of his absence from the city ?

Answer. I do not. I did not know of his intention to go until he had gone.

Question. Do you know James Smith, of the firm of Smith & Dunning ?

Answer. I know there is such a gentleman there.

Question. Have you ever seen him at your house ?

Answer. I never did. I know he has been there.

Question. Frequently ?

Answer. Seldom.

Question. Has his partner, Mr. Dunning, been there ?

Answer. I do not know.

Question. How recently has Mr. Smith been there ?

Answer. I do not think he has been there since last fall—perhaps he has; if he has, I have not heard of it.

Question. Do you know who now performs the duties formerly performed by your brother as clerk or agent for Mr. Stillman ?

Answer. I do not; I do not know that his business connexion with him has dissolved, or whether any one has had his place or not.

By Mr. LeBlond :

Question. At what place is your brother now ?

Answer. That I don't know; I know he went from here to Philadelphia, and we received a letter from him, in which he stated that he was at some hotel in Philadelphia and would remain there until we sent him some things which he

ordered; he needed some more clothes; he did not state where he was going to from there.

Question. You have not heard from him since?

Answer. I believe there was a letter received yesterday, and it was from Philadelphia or somewhere in that locality; I think it was Roxbury.

MARCH 25, 1864.

JOSEPH L. JENNEGAN sworn and examined.

One day, about three weeks ago, Mr. Mussina, who has a claim against Charles Stillman, residing in Texas, and alleged to be a rebel, was in my office with Mr. Charles P. Shaw, who is associated with me as counsel for Mr. Mussina in the prosecution of this claim against Stillman. While Mr. Shaw and myself were conversing about some matter pertaining to the case, Mr. Charles L. Frost, a well-known merchant of this city, and president of one of the western railroads, also a client of mine, came in, and seeing Mr. Mussina, says, why, Mussina, (I cannot give the exact language,) have you got your judgment against Stillman, or, you have a pretty good chance to get it, or something of this kind. Then he said that Smith told him—I don't recollect how he identified him, as of the firm of Smith & Dunning, but I am certain that in the conversation he was identified with that firm by him—that he had made for Stillman a million of dollars this year. Mr. Mussina and Mr. Shaw heard the remark.

Question. Was there any explanation how this was made?

Answer. Not a word.

Question. Did he intimate that it was made out of the sales of cotton?

Answer. I got that impression, but what he stated I don't know.

Question. Did he say, further, that he had made lots of commissions besides the million of dollars?

Answer. He used language that implied that he had made very large commissions; the expression, I think, was bouncing commissions.

NEW YORK, *March* 25, 1864.

WILLIAM STEWART sworn and examined.

By Mr. Rollins:

Question. Where do you reside?

Answer. At the Clarendon hotel, in this city.

Question. Please tell the committee your business.

Answer. Dry goods broker.

Question. How long have you been in that business?

Answer. Nearly forty years.

Question. Will you give us a general statement as to the character of your business?

Answer. Selling dry goods as a broker chiefly.

Question. To what points?

Answer. China, Africa, Brazil, Mexico—all over the world.

Question. Have you sold goods for Matamoras, Mexico, and Brownsville, Texas?

Answer. I have sold goods for Matamoras; am selling to Brownsville now.

Question. I allude to your business since the commencement of this rebellion.

Answer. I have sold goods for Vera Cruz and Tampico.

Question. Have you bought goods to be shipped to Matamoras since the commencement of the war?

Answer. I presume so. People from Matamoras buy them here, and, I presume, they ship them here.

Question. Do you receive orders direct from Matamoras?

Answer. No, sir.

Question. From what parties have you been in the habit of receiving orders for goods for Matamoras?

Answer. When they send their orders to agents here I sell them to their agents.

Question. Can you give us the names of the parties who you buy goods for?

Answer. Ogden & Laclombe, Oliver H. King & Co., T. S. Schlesinger & Co., James and N. Smith & Co., now Smith & Dunning.

Question. Where do these parties reside?

Answer. These firms are doing business here. I go to their counting-houses. I do not know where they reside.

Question. Where is the place of business of this firm that was formerly J. and N. Smith & Co., but which is now Smith & Dunning?

Answer. By Burling slip.

Question. Did any other parties have a desk in the same office?

Answer. I don't know that anybody has now.

Question. Do you know that anybody has had?

Answer. Charles Stillman formerly had.

Question. Until what time?

Answer. That is more than I can tell you. He has been away more than three years.

Question. Do you not know that he has had a desk there since that time?

Answer. I presume his desk is there, but whether he had anything to do with it I don't know.

Question. Has he not had an agent or clerk there?

Answer. He had a clerk at one time by the name of Donohue.

Question. What is his first name?

Answer. I don't know his name other than Donohue.

Question. You say that Donohue was a clerk for Stillman?

Answer. He was not a clerk for him before Stillman left here; how long after I don't know.

Question. Do you know when he ceased to have business connexion with Stillman?

Answer. I don't know; it must have been fifteen or eighteen months ago.

Question. How long was he employed by Stillman?

Answer. That is more than I can tell.

Question. He occupied Stillman's desk?

Answer. He used to sit by a desk which used to be called Stillman's desk.

Question. Did you have any correspondence with Stillman with reference to him?

Answer. No, sir.

Question. Do you know the reasons that led to the discharge of Mr. Donohue from the employment of Mr. Stillman?

Answer. I don't know.

Question. Did you hear any reasons assigned for it?

Answer. I knew no reason for it; I did not know when he was discharged in fact.

Question. Did James Smith say anything to you about it?

Answer. No, sir.

Question. Did not James Smith ask you to write a letter to Stillman about it?

Answer. I believe he did once, but I did not write it.

Question. Where was Stillman at this time?

Answer. In Matamoras or Brownsville, I presume; I did not know anything about it.

Question. Why did you not write a letter to Mr. Stillman acceding to Mr. Smith's request?

Answer. I did not choose to do it; I did not tell Mr. Smith I would not do it, but I never did it.

Question. You know that this Donohue transacted business with Stillman while he was there as his agent?

Answer. I don't know whether he did or not; he never told me.

Question. You presume he did?

Answer. He bought goods.

Question. For Mr. Stillman?

Answer. I don't know that; people do not tell me for whom they buy goods.

Question. You would make out a bill of sale if he bought goods from you?

Answer. People who sold them made out the bill of sale, and Mr. Donohue paid for them.

Question. To whom was the bill of sale made out?

Answer. To Mr. Donohue.

Question. As agent for any party?

Answer. No, sir.

Question. Who paid the bills?

Answer. Mr. Donohue, I suppose; they have always got the money from Smith; I was not the owner of those things.

Question. Who has transacted the business since Mr. Donohue was discharged for Mr. Stillman?

Answer. I don't know that Donohue transacted any for Mr. Stillman.

Question. Who has done business at this desk for Mr. Stillman?

Answer. I have not seen anybody there for the last three or six months.

Question. Are you aware of any party or parties who have transacted the business that was formerly performed by Mr. Donohue since his connexion with Stillman ceased?

Answer. I don't know that; I don't know whether Smith has or not.

Question. You believe he does, do you not?

Answer. I don't know anything about his business.

Question. Where did Mr. Stillman live before the rebellion?

Answer. He had an establishment at Brownsville, I suppose, for thirty years; he came here in the summer and went back in the fall.

Question. Have you been in the habit of purchasing goods for Mr. Stillman?

Answer. When Stillman was here I sold him goods.

Question. Since he left you have sold some to Mr. Donohue and Mr. Smith?

Answer. I have sold goods to Donohue and to Mr. Smith—some very few goods—I do not suppose \$10,000 altogether.

Question. The goods you sold Mr. Stillman before the rebellion were generally shipped to Brownsville?

Answer. Yes, sir.

Question. And since the goods sold to Donohue and Mr. Smith have been sent, of course, to Matamoras?

Answer. Yes, sir; no vessel could clear for Brownsville.

Question. What kind of goods have you been in the habit of selling?

Answer. Dry goods—such as were suited to that market.

Question. What was the general character of the goods?

Answer. Goods usually wanted in Mexico. I suppose Stillman used to buy goods usually—such as were to be used in Mexico when he was in Brownsville.

Question. What has been the amount of your purchases for the Matamoras market since the rebellion?

Answer. That is a question I cannot answer.

Question. What amount of goods did Donohue buy of you or through you?

Answer. That I can't recollect; it is two and one-half years ago; it might have been \$30,000, but I cannot swear to the amount, because I do not recollect.

Question. Donohue and others, when they wanted goods for the Matamoras trade, were in the habit of making orders upon you?

Answer. No, sir.

Question. They gave you some memorandum?

Answer. Donohue used to go with me; Mr. Smith never went with me.

Question. Was there any entry made upon your books?

Answer. No, sir; I did not keep any books; people pay me my commission as soon as they get paid; I simply kept a memorandum until the thing was settled.

Question. Have you these memorandums or orders?

Answer. No, sir; I never had any order; Mr. Donohue would write upon a piece of paper what he wanted, and I would take a list of the articles to the places where they could be bought cheapest. These memorandums I did not keep.

Question. Do you know what firms you purchased goods of for Mr. Donohue and Mr. Smith for this Matamoras trade?

Answer. Generally, I do; I don't recollect all, perhaps.

Question. The books of these parties would show, of course, what those goods were?

Answer. Yes, sir.

Question. I will ask you whether, after Donohue left the employment of Mr. Stillman, Mr. James Smith, of the firm of Smith & Dunning, did business for Mr. Stillman, what do you say was the name of that firm?

Answer. James N. Smith & Co. formerly, and I think for some time after Donohue left.

Question. Did the firm of J. N. Smith & Co. continue to do the business of purchasing goods of you for the Matamoras trade, as Mr. Donohue had done up to that time?

Answer. I have sold to them two small bills since, and I know those bills were for Mr. Hale, of Matamoras.

Question. Did those parties generally tell you where the goods were to go?

Answer. Sometimes, and sometimes they did not.

Question. The goods that Donohue purchased were for Mr. Stillman, in Matamoras?

Answer. No, sir; I did not say so.

Question. Did Mr. Stillman have a store at Matamoras?

Answer. I don't know; I know nothing about Mr. Stillman since he left, three years ago.

Question. Did he have a store at Brownsville?

Answer. He formerly had a store there; I have not heard anything from Stillman since he left.

Question. Is Mr. Smith in correspondence with Mr. Stillman now?

Answer. That I don't know; Mr. Smith is the only man who knows anything about him. Mr. Stillman had his office in Mr. Smith's store.

Question. Do you know Jerry Galvin?

Answer. No, sir.

Question. Have you ever heard of such a man?

Answer. I heard there was such a man; I don't know him.

Question. Do you know anything about his business in Matamoras?

Answer. No, sir; I have heard of his being in business there.

Question. What kind of business?

Answer. That I don't know.

Question. Have you heard of his buying goods in this market?

Answer. I don't know, indeed; I never saw the man.

Question. You say that the goods purchased by Donohue were paid for by Mr. Smith?

Answer. I presume so; I understood that Donohue paid the checks to Mr. Smith, and I presume Mr. Smith gave the checks to the sellers of the goods.

Question. You might give us the names of some of the firms of whom you purchased goods for Donohue & Smith for this Matamoras trade?

Answer. Hines, Hyatt & Co.; L. P. Martin & Co.; Mr. Helsog & Co.; and, I believe, Garner & Co.; I know that I bought some goods for Smith from Garner & Co. since Donohue left.

By Mr. LeBlond:

Question. I will ask you if, within the last eighteen months, Smith & Co. have had you purchase goods for them for this Matamoras trade?

Answer. Yes, sir; I think I purchased two small bills.

Question. What was the character of the goods you purchased for them?

Answer. American prints.

Question. In any of these purchases you made, either for Smith & Co. or for Donohue, were there army blankets included in the purchase?

Answer. I think not.

Question. Army shoes?

Answer. I think Donohue purchased army shoes from Hines, Hyatt & Co.

Question. About what time did he make the purchase?

Answer. I presume it must have been a year and a half ago or more; I think Donohue left Smith a year and a half ago; it must have been two and a half years ago.

Question. Did Donohue in any of your conversations with him say for whom he was purchasing goods, for whom he was acting as agent?

Answer. No, sir.

Question. Did you know at any time to whom these goods were addressed when they were shipped?

Answer. No, sir.

By Mr. Rollins:

Question. Do you know anything of Mr. Stillman's intention to go to England?

Answer. I do not. I heard that he wanted to go to England.

Question. Why did he not go?

Answer. I don't know; I heard that he was going to England by the way of Tampico.

Question. Was there any reason assigned for his not going?

Answer. I heard that he had had no account for the whole year 1862 with his agent.

Question. And that he wanted those accounts adjusted before he left?

Answer. So I understood.

By Mr. LeBlond:

Question. The question was asked you if you had been requested by Smith to write to Stillman, at Brownsville, notifying him that he had better remove Donohue because Donohue was acting badly.

Answer. Mr. Smith asked me to write, as I told you, to Mr. Stillman.

Question. Did he assign that as a reason why he wanted you to write to him, that Donohue was acting badly?

Answer. Yes, sir; he said so; I did not know anything about it, and I did not write.

NEW YORK, *March 25, 1864.*

JAMES SMITH sworn.

By Mr. LeBlond:

Question. Will you give the committee your age, occupation and residence?

Answer. I am between 55 and 56 years old; I reside at 35 West 22d street, and my business is that of a shipping and commission business.

Question. Is that business carried on by yourself alone, or in connexion with others; if in connexion with others, with whom?

Answer. My partner, Mr. Dunning.

Question. What is the name of the firm?

Answer. Smith & Dunning.

Question. Where is that business carried on?

Answer. 29 Burling slip.

Question. How long have you been engaged in that business?

Answer. We have been where we now are five years the first of May next; I have been in that business about eight years.

Question. Has that business been carried on in the present firm name during that period?

Answer. No, sir; our firm dissolved on the death of one of our partners; my son was a partner; he died on the 10th of last September.

Question. What was the style of the firm prior to the death of this son?

Answer. J. & N. Smith & Co.

Question. Who at that time constituted the firm of J. & N. Smith & Co.?

Answer. Myself, my son, and my present partner, Mr. Dunning.

Question. Have you carried on this business at this particular place during that period?

Answer. During five years.

Question. Are you acquainted with Charles Stillman?

Answer. Yes, sir.

Question. When did you first become acquainted with him?

Answer. In 1829.

Question. Where did you become acquainted with him?

Answer. In Matamoras, Mexico.

Question. How long has it been since he returned from Matamoras, Mexico?

Answer. It was three years last December since he left here for there; he has not been here since.

Question. Where does he now reside?

Answer. In Mexico, I believe.

Question. Did he ever reside in New York?

Answer. His family resides here now.

Question. Where is he?

Answer. The last I heard of him he was at Matamoras, Mexico.

Question. How long has it been since he was in New York?

Answer. It is three years last December since I saw him—since I have known of his being here.

Question. Have you received letters from him during his absence?

Answer. Yes, sir. I have seen letters addressed to others from him; I saw one from him to his wife the other evening; but it is about two years since I have had any from him—I could not tell the time exactly; occasionally he writes me a friendly letter.

Question. So that from the letters you have received from him you know that he resides at Matamoras, Mexico?

Answer. Yes, sir.

Question. Does he not reside at Brownsville, Texas?

Answer. I do not think he does now.

Question. Has he not resided in Brownsville, Texas, a part of the three years that he has been absent?

Answer. I should think he had; I don't know; I cannot swear positively to that, but my impression is that he has.

Question. From the character of the letters you received did you not understand him to be residing a part of the time in Brownsville, Texas?

Answer. Yes, sir.

Question. Has he resided in Brownsville, Texas, since the State of Texas seceded from the Union?

Answer. I cannot say positively, but I should think likely enough he might.

Question. Have not some of these friendly letters you speak of been mailed at Brownsville, Texas?

Answer. No, sir; I have not had a letter from him dated at Brownsville, Texas; I think it is something over two years; previous to that I had letters from him dated at Brownsville.

Question. What is the distance from Brownsville to Matamoras?

Answer. A little further than across this street (Wall street) from town to town; it is a very short distance.

Question. Have you ever resided in Matamoras or Brownsville?

Answer. In Matamoras.

Question. Was Stillman doing business in Brownsville at the time you resided there?

Answer. There was no such place as that then; it was a perfectly open prairie there; this village has sprung up since I left there.

Question. He resided, then, in Matamoras?

Answer. Yes, sir; this was in 1829.

Question. You say he left here some three years ago. Has he been back here at any time since he left?

Answer. Not to my knowledge; I do not think he has; I can say positively he has not, for if he had been here I should have known it.

Question. When he resided here in New York, did he spend any of his time at Matamoras or Brownsville?

Answer. I suspect he spent a part of his time in each place, but I could not say positively; his store was in Brownsville at that time, and he was doing some business, I think, in Matamoras at the same time; in fact, I know he was, for we received hides and wood direct from there.

Question. Do you know J. H. Donohue?

Answer. Yes, sir.

Question. How long have you known him?

Answer. Four to five years.

Question. Had Mr. Donohue, at the time you first knew him, an office in this city?

Answer. He was a clerk.

Question. In what establishment?

Answer. He occupied a desk in our office for Mr. Stillman.

Question. How long ago?

Answer. When I first knew him, it was between four and five years ago.

Question. This office is at the place where your firm transacts its business now?

Answer. Yes, sir.

Question. Was he regularly in your office?

Answer. Yes, sir.

Question. Is he still there?

Answer. No, sir.

Question. How long since is it that he left it?

Answer. He has not been there for a year; probably fourteen months.

Question. Then we are to understand that he occupied a desk in your office from four to five years ago, until about a year or fourteen months ago?

Answer. Yes, sir.

Question. At the time that Donohue was there, in what capacity did he act?

Answer. As clerk.

Question. For whom?

Answer. Mr. Stillman, Mr. Galvan, and Mr. Morell.

Question. Where did Mr. Galvan and Mr. Morell reside?

Answer. In Matamoras.

Question. At the time he was acting as clerk?

Answer. Yes, sir.

Question. Were Galvan and Morell connected with Stillman in business transactions?

Answer. Not to my knowledge.

Question. They were separate and distinct houses?

Answer. Yes, sir.

Question. Were Morell and Galvan partners in trade, or were they separate?

Answer. I think they were separate.

Question. Hence he occupied the position of clerk to these three?

Answer. Yes, sir.

Question. Did Stillman, at the time Donohue was acting as clerk for him, have a sign out?

Answer. Mr. Stillman had his name painted on the pillar of one of our doors.

Question. You say his business was the dry goods business; was it a general business?

Answer. A general business.

Question. What kind of a store did he keep in Brownsville?

Answer. I could not tell you; I have not been there since he kept it; he bought, generally, dry goods and groceries.

Question. Hardware?

Answer. Yes, sir; I think he bought some hardware; I don't know; I never saw the bills.

Question. Boots and shoes?

Answer. I never knew of his buying boots and shoes, although he might have done so.

Question. At how late a period did he keep his office there and have a sign?

Answer. Up to the time he went away, three years ago.

Question. Has he had a sign up since that time?

Answer. Yes, sir; it is not more than two months since we painted it off the door.

Question. This man Donohue acted as clerk or agent, or whatever it might be, for Stillman until about a year or 18 months ago?

Answer. Yes, sir.

Question. Now in what manner were goods purchased by Donohue for Stillman?

Answer. I don't know in what manner, no more than that he bought them and paid for them, I presume.

Question. Were they ordered by Stillman?

Answer. I don't know.

Question. Did Mr. Donohue ever communicate the fact to you that such was the case?

Answer. He might have, in some instances, said he had got an order. I did not ask him from whom. He was to take care of his business; it did not interest me.

Question. Did you purchase goods for Stillman?

Answer. No, sir.

Question. In what way were the purchases paid for that Donohue would make for Stillman?

Answer. He paid for them; he received cargoes from Matamoras, from somebody, I did not ask him who, and he sold them and paid for these goods out of them, I presume; he had all that to himself; I did not have any interest in purchases by Donohue for Stillman.

Question. Were they paid for through your establishment, and upon your order or checks?

Answer. No, sir; Mr. Donohue would sell these goods and bring us this money, and we kept a loan account with him, not with anybody else. He would come and deposit \$20,000 to-day, and would come and say to the bookkeeper "I want a check for \$10,000," or whatever the money might be, and we would give him a check. We were bankers for him; we would receive money on deposit from him.

Question. That is, you would receive Stillman's money?

Answer. No, sir, I would not say that. We received this money from Donohue.

Question. You received the money from Donohue; to whose credit was it deposited?

Answer. Deposited to loan account.

Question. To his, Donohue's, credit, or to the credit of Stillman?

Answer. Not to the credit of Stillman; we have not had an account on our books to the credit of Stillman for five years. I don't know how the account was kept on the books; I know it was not kept with Mr. Stillman.

Question. During any portion of said time did you or any member of your firm act as the agent, employé, consignee, factor, or correspondent of Stillman?

Answer. No, sir; I never have received the value of \$10 from Stillman, as long as I have known him, on consignment. I have never bought ten dollars worth of goods for him and sent to him.

Question. Have you or any member of your firm had any transactions with Stillman since the secession of the State of Texas from the Union?

Answer. Not any.

Question. Have you said to any one that you or your firm had made for Stillman, since the rebellion broke out, a million of dollars?

Answer. No, sir.

Question. Have you said that you have made, for yourself or your firm, a large sum of money upon commissions for him?

Answer. No, sir; as I told you before, I have not received a dollar from him in that way.

Question. I will ask you whether your firm has received any consignment of cotton from Stillman in which he had an interest, or with which he was in any way connected, since the secession of the State of Texas in February, 1861?

Answer. No, sir, we have not.

Question. Do you know of any cotton being consigned to any one in the city of New York by Stillman?

Answer. No, sir.

Question. Do you know whether Donohue received any consignments of cotton from Stillman since the secession of the State of Texas?

Answer. No, sir; I don't know that he received a pound from him.

Question. To whom was the cargo of cotton shipped upon the Banshee consigned?

Answer. To us—shipped by Jeremiah Galvin.

Question. Had Stillman any interest, direct or indirect, in that cotton?

Answer. Not to my knowledge.

Question. Have you or any member of your firm addressed any letters to Stillman since the rebellion—since the secession of the State of Texas?

Answer. I do not know that I ought to answer that question, and I will tell you why. I have a friendly correspondence with him, but not to Brownsville. I have, since the rebellion, to Matamoras, Mexico; nothing more than a friendly correspondence. I do not think I have received a letter from him in over two years. I thought it was not worth while for us to correspond, because he could tell me what he wanted to say through Galvin.

Question. From this correspondence that you have had with him, has he disclosed in any way the character of the trade that he was carrying on, or the connexion he had with this man Galvin, or any person else?

Answer. No, sir. I think the last letter I had from him was somewhere in the year 1861. It was after Texas seceded that he wrote me that he had retired from business—that he had sold out his entire stock. And I could tell you further, if you wished, what he said—that he would leave the country if he could. He is a man that owns a great deal of real estate there.

Question. In some of these letters or information that you have received from him, directly or indirectly, has he not communicated to you the fact that he was giving aid and comfort to the southern rebellion in the town of Brownsville?

Answer. No, sir; he has never mentioned it to me at all. I do not think that he has ever mentioned the subject.

Question. Do you know, from any communications received from him or otherwise, that he was furnishing supplies to the confederate army?

Answer. No, sir.

Question. Or to any confederate agent?

Answer. No, sir.

Question. Do you know, from any letters received from him, or otherwise, that he was at one time driven from Brownsville, and sought refuge in the Mexican government?

Answer. No, sir. I can tell you what he wrote to his wife; she showed me the letter—I think it was last Sunday evening—that he had taken the oath of allegiance, had been over to Brownsville, and he should come home as soon as possible.

Question. Do you know that he was a part of the time absent from Brownsville?

Answer. No, sir.

Question. Have you heard from him, either directly or indirectly, that upon the arrival of General Banks's army he fled over into Matamoras?

Answer. Through what he wrote his wife, he fled over into Matamoras.

Question. Why did he flee over into Matamoras upon the arrival of General Banks's army?

Answer. I don't know; I could not answer that.

Question. Do you know why he took the oath of allegiance if he had always been loyal to the government?

Answer. No, sir, but I can imagine very readily; and I think any gentleman in his position would probably have tried to manage so as to save his property.

Question. Do you know by information received from him, directly or indirectly, whether any part of his property in Brownsville was confiscated by the government of the United States after the arrival of General Banks?

Answer. No, sir.

Question. Do you know whether he received a letter from General Banks authorizing him to return to Brownsville?

Answer. No, sir.

Question. Are you personally acquainted with Galvin?

Answer. I have seen him only once; he has been here.

Question. What are Galvin's circumstances?

Answer. I think he is a man very well off; he came here in November or December after the war broke out—I am not certain which—went to Washington, and Generals Stoneman and Heintzelman both gave him a letter to Secretary Chase, and Secretary Chase gave him a special permit to ship a cargo of goods from here to Matamoras. That same letter is now in the custom-house. They did not even ask him to give a bond, and he said to me while he was here that had it not been for him General Stoneman or Heintzelman would not

have got away from there. They were out of money, and he loaned them \$10,000, and he helped them to get away when the war first broke out.

Question. Do you know Francis N. Stoneman, of Brownsville?

Answer. No, sir.

Question. What was the style of the firm of which Stillman was a member?

Answer. Charles Stillman.

By Mr. Rollins:

Question. Has he been in business since the rebellion broke out?

Answer. I do not know that he has been in business since the war broke out.

Question. Do you think that Stillman has been out of business since the war?

Answer. I do.

Question. Why did he not stay here with his family?

Answer. He is a man that owns 400,000 acres of land in Texas. He had three ranches, and he said, "If I could get away without sacrificing all my property, I should have come away when the war first broke out." If he had come then they would have confiscated everything. So that he has remained there to save his property.

Question. To give such aid and comfort to the rebellion as a citizen naturally would?

Answer. I do not believe he has done such a thing; he might have been forced to do something.

Question. Have you any doubt about the fact of his being a member of the firm of Stillman, Kennedy & King, in Brownsville, since the commencement of the rebellion?

Answer. I have never heard of such a firm; I have not seen a paper from Brownsville since the war commenced.

Question. Do you mean to say that you have had no evidence to show you that Stillman has been engaged in business in the town of Brownsville, Texas, at any time since the commencement of this war?

Answer. Yes, sir; I say I have no knowledge of it, either directly or indirectly.

Question. You have no knowledge of it at all?

Answer. No, sir; not of his being in business.

Question. Do you mean to swear that he has not done any business?

Answer. I do not mean to swear that he has not done any business; I mean to swear that I have no knowledge of it.

Question. Still his agent had a desk in your counting-room; received large consignments; disposed of them; purchased large shipments and shipped them to Matamoras; you kept his bank account, and all that, and still you have no evidence that satisfies you that Stillman has been engaged in business at all anywhere since this rebellion broke out?

Answer. Soon after. I have not since he wrote me—it was two months after that—that he had retired from business entirely, and I don't know of any goods being shipped there since this rebellion broke out.

By Mr. LeBlond:

Question. Do you know of any consignment being made to Donohue by Stillman since this rebellion?

Answer. I do not know of any.

Question. Who has made the consignments?

Answer. Mr. Morell, I presume, and Mr. Galvin.

By Mr. Rollins:

Question. You have said that you acted as the banker for Donohue; that you kept the deposits of this agent of Stillman, and had paid bills for him with your checks?

Answer. Yes, sir.

Question. From what source did you derive that money?

Answer. He had consignments.

Question. From whom?

Answer. I don't know; I never looked at his consignments. I did not go and ask him to show me his consignments. It was none of my business.

Question. How came you to write to Mr. Stillman to dismiss Donohue from his service?

Answer. I never did do it.

Question. How came you to solicit a letter to Stillman from Mr. Stewart to that effect?

Answer. I never did; I never asked Mr. Stewart to write to Mr. Stillman about Mr. Donohue in my life.

Question. Did any member of your firm?

Answer. Not to my knowledge.

Question. Did you pay any bills to any boot and shoe firms in this city for Mr. Donohue, as the agent of Mr. Stillman?

Answer. No, sir, never as the agent of Mr. Stillman; I don't know that I ever paid any bills; I have no recollection of it; Mr. Donohue might have bought goods, as I told you in the beginning.

Question. Have not your checks been used to pay bills to boot and shoe firms?

Answer. Very likely they have; I don't know what Donohue bought.

Question. To what amount has Galvin consigned goods to you since the war broke out?

Answer. I think he has consigned \$600,000 worth.

Question. What had been his business prior to the breaking out of the rebellion?

Answer. Merchant in Brownsville.

Question. Was he a citizen of Texas?

Answer. I don't know that; I never did any business with him until after the war.

By Mr. LeBlond:

Question. What is the character of the goods consigned to you by him?

Answer. Cotton, hides, wool, skins.

Question. Did Mr. Galvin tell you where he got that cotton; what means he resorted to to get it?

Answer. No, sir.

Question. Did Mr. Galvin ever inform you that he was in any way connected with Mr. Stillman?

Answer. No, sir.

By Mr. Rollins:

Question. Have you any doubt about his connexion with Stillman?

Answer. I don't know anything about it; he came on and bought a stock of goods on his own account.

By Mr. LeBlond:

Question. What was the character of the goods he bought?

Answer. He bought flour, lard, coffee, sugar, some hams, some lumber, and he might have bought some bagging and rope; gunny bags.

By Mr. Rollins:

Question. Galvin consigned to Donohue?

Answer. I presume he did.

Question. And when Donohue left he consigned to your firm?

Answer. Yes, sir.

Question. You did business since for him?

Answer. Yes, sir.

Question. Was Donohue a man of means—a man of fortune?

Answer. No, sir.

Question. When he made these deposits of money with you you understood that it was not his property?

Answer. I never asked him, I presumed it was not his; when Mr. Galvin came on Mr. Donohue bought his goods for him; he had a cargo of hides and wool, and Mr. Donohue did all his business; he never entered into any explanation with me about it; I chartered him one of our vessels to go down there.

Question. How large were these deposits at any one time?

Answer. I should think probably \$20,000.

Question. Whose money did you understand it to be?

Answer. Mr. Donohue's; I do recollect now Donohue showing me—it was at the time that Galvin came here—a bill of lading and an invoice of goods consigned to J. H. Donohue direct.

By Mr. LeBlond :

Question. Then the receipts for these goods were deposited with you?

Answer. Yes, sir.

Question. And deposited to the credit of Mr. Donohue?

Answer. Yes, sir.

Question. And not to Mr. Stillman nor to Mr. Galvin?

Answer. No, sir.

Question. Do you know Jocrsh, the Prussian consul?

Answer. No, sir.

Question. Do you know Francis W. Latham?

Answer. I do not know him; there was a man by the name of Latham here five or six years ago; I do not know his Christian name.

Question. The cargo of cotton that came on the Banshee—was it the property of Galvin?

Answer. Yes, sir.

Question. And not the property of Stillman, nor any portion of it?

Answer. No, sir; it was only one consignment; it was consigned to us by Mr. Galvin.

Question. Did you or any member of your firm state to any person in this city that by reason of this vessel and her cargo being detained you had suffered great damage, and that they should be made responsible for it?

Answer. No; I do not think I have. I have no knowledge of any such thing. I do not think we suffered a great deal of damage. A man who is dealing in cotton does not know when he is going to suffer damage.

Question. Have you made any threats of that kind?

Answer. It was said to us that the custom-house had made themselves liable.

Question. Have you yourself personally, or through your counsel, called upon anybody for a settlement of damages?

Answer. No, sir. They have all talked pretty hard to us about it, and if there are any merchants that have been badly treated by the custom-house, we have been. We had a boat seized, and it was a damage to us of \$40,000; she was cleared regularly at the custom-house—the steamer Blackstone, bound to New Orleans. We had a letter from Secretary Chase advising Mr. Barney to release the vessel. We offered to give him a bond that if there was a dollar's worth of contraband goods on board of the vessel when she reached there they might bring her back, and he might detail two men and put them on board of her and we would pay them wages. They detained the vessel and made us unload her.

By Mr. Rollins :

Question. Who are your attorneys?

Answer. Beebe, Dean, & Donohue.

Question. Do I understand you to say that you never yourself, or by your counsel, made any complaint to any parties in this city on account of the detention of the Banshee?

Answer. Not to my knowledge. I don't know what our counsel has said. I don't know what Mr. Donohue may have said?

Question. You have not authorized him to say anything?

Answer. No, sir.

By Mr. LeBlond :

Question. You will please read this letter, and say whether you authorized it and have any knowledge of its being written. (Handing witness the following letter, which was read by him :)

“NEW YORK, *March* 8, 1864.

“J. AUSTIN STEPHENS, Esq. :

“SIR : Messrs. J. & N. Smith & Co. complain that yourself and others have, by representations made to the United States authorities, put them to considerable expense and damage. As they have no means of obtaining satisfaction for their losses except from the parties through whom the loss occurred, they have requested us to call your attention to it.

“Please give the matter your early attention, and oblige

“Yours, &c.,

“BEEBE, DEAN & DONOHUE,

“76 *Wall Street.*”

Answer. I have no knowledge of it; my partner might have had, but he has never said anything about it to me. I very seldom go out of the office; my partner does most of the outside business; he might have told Mr. Donohue, and made such a request; if he did, he did not say anything to me.

By Mr. Rollins :

Question. What connexion has J. Austin Stevens with this affair of the detention of the Banshee?

Answer. He was interested with these gentlemen to get that military order out upon us—so I understood.

Question. What interest did he have in the detention of this vessel; why should you call upon him to adjust damages by reason of that detention; what had he to do with it?

Answer. He was interested in getting that military order out of it.

Question. This is for damages to the ship; what had he to do with the seizure of the ship?

Answer. I don't know that he had any.

Question. Why does your counsel address a note to Stevens, calling upon him to settle?

Answer. The vessel was detained by this military order.

Question. Don't you know that the vessel was detained by the custom-house authorities?

Answer. As I understood from Mr. Donohue; I was sick at the time, and did not go out of my house for two weeks. Mr. Stevens went to General Dix and made a statement, and then came to the custom-house authorities, and they said they never seized a ship—only detained her. He asked them as a favor to detain the ship and the cargo for a few days, and they did so detain her.

Question. What legal remedy do you suppose you have against Mr. Stevens?

Answer. I leave that to my counsel to explain; I think somebody ought to be made responsible for such acts.

By Mr. LeBlond:

Question. Do you know why she was released after being detained two or three days?

Answer. Because they could not find anything to hold the cargo; the thing was just as straight as a shipment could be made.

By Mr. Rollins:

Question. Who do you say succeeded Donohue as the agent of Stillman?

Answer. Not anybody; I do not think he has got any agent.

Question. Who has done his business?

Answer. I don't know that he has any.

Question. Who has done the business that Donohue did when he was here?

Answer. We have done the business for Mr. Galvin.

Question. Who has continued to perform the same duties that were performed by Mr. Donohue?

Answer. I can answer that only in that way. I don't know what Mr. Donohue's business was, and who he performed business for. I know that we have received orders from Mr. Galvin and Mr. Morell since Donohue left the office.

Question. Is Morell a man of wealth?

Answer. I understand that he is. I don't know him personally.

Question. Has he done much business through you since this rebellion commenced?

Answer. Some.

Question. To what amount?

Answer. I don't know what the amount is.

Question. The probable amount?

Answer. I should think probably \$200,000; it may be I have overrated it; it may be I have underrated it.

Question. What is the character of his shipments?

Answer. Of the same style; cotton, wool, more skins than anything else, deer and goat skins. A few goods now amount to a good deal. Deer skins they sent me the other day I sold for eighty-five cents a pound, which I used to sell before the war for eighteen or twenty cents.

Question. What is the character of the goods purchased in exchange for these things?

Answer. The same style of goods with the rest that they do.

Question. What is the character of the goods taken from here to Matamoras?

Answer. Coffee, flour, starch, soap—the same precisely as we use here.

Question. In any of these shipments of goods to either of these parties in Matamoras were there any shoes, army blankets, telegraph wire, pistols, or anything of that kind included?

Answer. No, sir. I know there was not, because the custom-house would not have cleared them. We have got to produce our invoice at the custom-house. We have got to go to the Spanish consul.

Question. Is not the chief reason because certain goods are contraband goods to that port?

Answer. I know this much: When Mr. Galvin came here with that order from Secretary Chase, he went to the custom-house to Mr. Embree, and he made out a list of what he wanted to ship, and Mr. Embree took it. He says: "Mr. Embree, there is my order from Secretary Chase to clear this vessel with all these goods except what is contraband. I want you to call off and check what is contraband and what I can send;" and Mr. Embree did so.

Question. Is Mr. Galvin an American subject?

Answer. He is an Irishman.

Question. Where did he live prior to the rebellion?

Answer. At Brownsville; up to the time the war broke out I always heard of him in Brownsville.

Question. How is it with Mr. Morell?

Answer. I think he is an Italian by birth; so it has been represented to me. He married an American lady; he has a son, who is being educated here in New York.

Question. Where did he live prior to the rebellion?

Answer. At Monterey.

Question. Was Galvin a merchant in Brownsville prior to the rebellion?

Answer. So I always understood.

Question. And after that he went to Matamoras?

Answer. Yes, sir; so I understood from him.

Question. Do you know who owned the ferry from Brownsville to Matamoras?

Answer. No, sir; I understood from him, after he was here, that as soon as the war broke out he left Texas and went to Matamoras; I never saw him until after the war broke out, and he came here.

By Mr. LeBlond:

Question. Do you know whether there is an unsettled account between Donohue and Stillman?

Answer. No, sir.

Question. Do you know it by any representations made to you by Mr. Stillman or Mr. Donohue, or from letters received from Stillman upon that subject?

Answer. No, sir; I have had very little conversation with Donohue. When Donohue was there taking care of his business, he used to get badly drunk and go off on a frolic, and I used to remonstrate against it whenever I could, and beg him to take care of his business.

NEW YORK, *September 26, 1864.*

JAMES W. GROVER, a witness, being duly sworn, testified as follows:

By Mr. Hulburd:

Question. Are you connected with the custom-house?

Answer. Yes, sir; I was from 1861 up to the 8th of this month.

Question. In what capacity?

Answer. As inspector.

Question. For what were you removed?

Answer. I have been unable to ascertain. Mr. Draper and Mr. Barney both say they are unable to ascertain.

Question. What was your duty?

Answer. I was on regular discharge duty on board of ships.

Question. What was your compensation?

Answer. \$1,095 a year, until the fourth of June, when the compensation was raised to four dollars a day.

Question. Did you receive anything from other sources?

Answer. I did.

Question. What?

Answer. I have been detailed to duty on board a few steamers, and I have received pay for extra services. I have written all day Sundays, and until ten or eleven o'clock at night, on board ships which were to be discharged the next morning, when my duties actually required me to be there only till six o'clock.

Question. Who compensated you?

Answer. If I was on the Jersey City dock, fifty cents a day was given me in lieu of meals. Before a ship goes to work to discharge, we get what is called a

general order. A ship must be in port forty-eight hours before she can get the order; for instance, she may arrive on Thursday, and on Saturday, at two o'clock, she would be entitled to a general order. The permits come rushing in, and Mr. Cunard, for instance, is anxious to have the ship ready to take in cargo for the return voyage, and he says to us: "Gentlemen, if you will get the books in order, and enter your permits, we will compensate you for your services." Under such circumstances I have gone to work and written from eight o'clock Sunday morning until four o'clock in the afternoon, in order that the ship may go to work at eight o'clock Monday morning. On one occasion, when the *Africa* ran on the rocks near Halifax, there was a ship, called the *Olympus*, due on Tuesday, but she did not arrive until Thursday morning. She had seven or eight hundred steerage passengers. She wanted to go to work at one o'clock. She got a night permit from Mr. Barney—the only one I ever saw—stating that if the ship could be worked nights with safety to the revenue we could work her. On that occasion we worked from one o'clock in the afternoon of Thursday till Saturday morning at seven o'clock without stopping, and Mr. Cunard saw fit to give us twelve and a half dollars each.

Question. Have you had anything to do with passing baggage?

Answer. Yes, sir; that has been my business frequently.

Question. Suppose you find among passengers' baggage dutiable goods, what do you do?

Answer. We invariably take it to the appraiser, if he is there; if not, we send it to the public store.

Question. Have you ever received any money from passengers?

Answer. Never a dollar.

Question. Have you ever seen any money paid by passengers to any one?

Answer. No, sir, I think not. I once knew of a case where money was handed back to a party.

Question. By whom?

Answer. By an inspector. I do not know that I ever saw a dollar received.

Question. Did you ever know of an inspector passing goods or baggage free of duty which should have paid duty, and of money being paid, or presents being made, or promises of either made, as a consideration for so doing?

Answer. No, sir.

Question. In the discharge of the steamers you speak of, is not the passage of dutiable goods, boxes, bundles, and baskets free of duty winked at, which would have paid a duty if they had been of large bulk, or more valuable?

Answer. I would answer that in this way: if a man like A. T. Stewart, for instance, who we know pays hundreds of thousands of dollars duties a year, should have half a dozen pair of kid gloves, we would permit them to pass; but if he had a bundle of a dozen, we would take them to the appraiser.

Question. It is stated that inspectors go to the stores of merchants whose baggage they have passed, and ask for goods and take them. Do you know anything about such occurrences?

Answer. I have heard of such instances, but I have no knowledge of them.

Question. What was the order in which officers at the barge office were detailed for duty?

Answer. There was no order at all; it was all favoritism.

Question. What was the inducement to such a course?

Answer. Well, I said to Mr. Van Buskirk, one day, that I had no boxes of oranges, or tons of coal, to give him. It was always supposed there that the old gentleman got favors from officers, and that they got such ships as they desired.

Question. Do you know anything about it?

Answer. I only judge so from the class of men who are sometimes taken for

steamers, while others are put upon brigs, schooners, and barks. There are such rumors, whether well founded or not.

Question. You do not know positively of any such occurrence?

Answer. No, sir.

Question. Did you ever hear the inspectors say so?

Answer. I have heard an inspector say he sent a bushel of apples or some coal to the old gentleman.

Question. Can you give the name of the person or persons who said that?

Answer. Yes, sir; a man by the name of James Burr, who is now detailed, and has been all summer, to special duty on fruit vessels. He is now stationed at Burling slip.

Question. Any others?

Answer. Yes, sir; Isaac Crane, an inspector.

Question. What is their inducement in obtaining this preference?

Answer. They get their meals and save seventy-five cents a day.

Question. Are there any other names you think of?

Answer. I do not think of any more. The old man, Van Buskirk, is incompetent from age. His knowledge of business is good, but age and want of energy incapacitate him. He has two sons there, one of whom is an imbecile, as you will find by sending for him. One of his sons, Joseph, is there on duty to-day, and it is the first time in a month that he has been there.

Question. I suppose you have some suspicion why you were discharged?

Answer. Yes, sir.

Question. What was it?

Answer. The old gentleman, Van Buskirk, sent to me one day and asked me how I was getting along with my ship, which was loaded with eleven hundred tons of coal. It was the ship Great Republic. I said very well; that he would remember that I had been nine weeks in that district. He told me to go back to my ship; that he did not know what ships were loaded with when they come into port. I replied, "You need not get out of patience in this matter; I simply told you she had eleven hundred tons of coal in her yet, and that I had been nine weeks in that district." He made some remark, and I replied: "I won't say to you what I think of it, but I am forty-five years old, and am entitled to some courtesy and respect from other gentlemen." He then ordered me to my duty. I asked him then for a furlough. I had only had nine days during all the time I was there. He declined to give it, and I told him if he did not grant it I would go to his master. I did go, and I got a furlough. I suppose that was the difficulty.

Question. When were you discharged?

Answer. My notice of discharge was dated on the sixth of this month, but I did not get it until the noon of the eighth.

Question. How long was this subsequent to the affair you have detailed connected with the Great Republic?

Answer. The Great Republic arrived here on the 15th day of May, and I was discharged in September.

Question. From whom did your notice of discharge come?

Answer. From Mr. Barney. I got it at eleven o'clock on the day he vacated his seat as collector. I suppose it must have gone from the old gentleman to what is familiarly called the "ring."

Question. What is the *ring*?

Answer. It is composed of Brown, Isaacs, and other parties around the surveyor. But that is a mere surmise.

NEW YORK, *September 23, 1864.*

CHARLES RUSSELL, a witness, being duly sworn, testified as follows :

By Mr. Rollins :

Question. Where do you reside ?

Answer. In New York.

Question. What is your occupation ?

Answer. I am a clerk.

Question. In what establishment ?

Answer. The Morgan iron works.

Question. How long have you been there ?

Answer. Over two years.

Question. What was your business previous to that ?

Answer. I was inspector in the custom-house for a few years before.

Question. Can you give us any information as to the transactions of the detective officers connected with the custom-house ?

Answer. I have seen a great deal of them. I am well acquainted with the detectives Isaacs, Archer, and Brown. I have myself been in stores with Isaacs and Archer to make seizures. They are detectives, and their practice is to go on board of steamers down in the bay before they come up. When the steamers would arrive at the wharf half of the baggage would be taken out of the hold, tied up, and marked as passed. They go on board of such steamers as the *Arago*, *Fulton*, *Persia*, *Africa*, *Asia*, *Quaker City*, *Cahawba*, *Bienville*, &c. I believe all those vessels are now in the government service. I used to be satisfied that half of that baggage had never been examined or looked into. It would be passed without examination.

Question. You say it would be marked ready for delivery ?

Answer. Yes, sir.

Question. What reason had you for supposing it had not been properly inspected ?

Answer. These packages are frequently tied with ropes ; and often they are cased over with muslin, linen, &c. A family travelling to Europe will sometimes have twelve or fifteen trunks, two or three of which would be in the state-rooms, while the remainder would be down in the hold. I noticed that they frequently passed these trunks without examination. There was a man by the name of Pomley who came over with baggage in the *Adriatic*, and I am satisfied that Brown did not examine his baggage.

Question. When was that ?

Answer. I think it was in the fall of 1861. I was one of the officers on board of the vessel at the time, and I recollect the circumstances. I have been told that it is the usual practice of these men to call upon merchants at their usual places of business—merchants whose personal baggage, trunks, &c., they had passed.

Question. Do you suppose these trunks contained baggage which should pay duty ?

Answer. They might sometimes ; but some of those merchants would be above doing anything of that kind. Brown, Archer, and Isaacs have a right to go among the passengers and select out the baggage of such as they like.

Question. Do they ever receive money from the passengers ?

Answer. I have never seen them receive money, but I think likely they do.

Question. Have you a decided opinion on that point ?

Answer. Yes, sir.

Question. What is that opinion ?

Answer. It is that they do.

Question. What reason have you for supposing that they receive money ?

Answer. From their well-known character, and for the reason that they never

do anything unless they get pay for it. Another practice with them was, when they were subpoenaed as a witness into court, to go up to the City Hall and just look in every day, and then receive their \$1 50 or \$2 a day for attendance. Under Mr. Schell's administration, I think their witness fees amounted to more than their salaries.

Question. For constructive attendance?

Answer. Yes, sir. They would look in to each court, having half a dozen subpoenas in their pockets.

Question. Would they take pay on each?

Answer. Yes, sir. Mr. Marshal Murray put a stop to it.

Question. Is that practice allowed now?

Answer. No, sir. That was under the administration of Marshal Rynders. They had a tug-boat in which they used to go down and board steamers; and in addition to their salaries they received mileage at the rate of ten cents a mile, as will be shown by the books at the auditor's office. I used to think they were retained in their positions for the purpose of swearing in suits in the United States courts, and I know I could not go upon the stand and say I would believe any one of them under oath. I could not do it as a conscientious man. They have made it a practice to hunt out and persecute men connected with the custom-house who were possessed of any independence of character. They do it by getting them transferred on to dead-beat duty. In these custom-house matters there has always been a gross system of favoritism, and it exists to this day. There is another thing to which I might call the attention of the committee. I look on the system of night watchmen that exists as a great humbug. For instance, a day inspector is detailed for a steamer. He goes there in the morning at sunrise, and remains until sundown, Sundays included. Two generally go on a steamer at the same time. The night inspector relieves the day inspector in the evening. Now, there is not one of these night inspectors that remains at his post an hour. Many a time I have been relieved on the other side of the river by the night inspector, and I have seen him come over in the next boat.

Question. How many night inspectors were there?

Answer. There used to be a very large number of them.

Question. Do you mean to say that was the customary way in which they performed their duties?

Answer. I do.

Question. Does that state of things continue now?

Answer. I do not know. I spoke of the practice during my connexion with the office.

Question. What other abuses are you aware of?

Answer. I think the system of detailing inspectors for vessels coming in is a gross abuse.

Question. How is that done?

Answer. Well, I have known one of these pet inspectors of Mr. Van Buskirk, who has charge of the barge office, wait three or four weeks for a vessel. The vessel might come in at night; and if so, it would not be officered until this pet would come down there the next morning at ten or eleven o'clock. It would be there, neither sealed nor locked. I have known one officer to have the ship William Tell four several times in succession.

Question. What is the object of that course of proceeding?

Answer. That ship belonged to the Havre trade, and I suppose the inspector made something out of it.

Question. What was the inspector's name?

Answer. L. D. Snell.

Question. Your impression is that the inspectors make something out of these vessels by passing merchandise?

Answer. I think so. The character of Snell would induce me to believe it.

Question. What was his salary?

Answer. \$1,095 a year. I have known other similar cases. For instance, certain inspectors always had the ships of Grinnell, Minturn & Co.

Question. Had you any reason to suppose, from their habits of living, that these inspectors received more money than \$1,095 a year?

Answer. In reference to some, I would suppose so; with others, I should not.

Question. Do you know of any other abuses connected with that department?

Answer. Yes, sir; I have known plenty of men there allow ships to work nights discharging cargo without a night permit. Such cases used to be very common.

Question. Whose fault is that?

Answer. It must be the fault of the inspectors detailed for the vessel.

Question. Did this discharging proceed during the night without any inspector being present?

Answer. I have reason to believe it did. I always used to ask the officers of the ship to which I was detailed what time they wanted me in the morning. On one occasion the mate of the vessel replied to me that it would make no difference; that I could leave him my key. I told him I would rather leave the hatches open. He told me of a large number of officers that did so. I know it was a common practice.

Question. Does that practice continue now?

Answer. I know it has existed under this administration, for I was under it for six months. But I do not know whether it exists now or not.

Question. Is it the duty of an inspector to be present while the vessel is discharging cargo?

Answer. Yes, sir; and he has no right to discharge a cargo at night without a night permit from the collector or surveyor. I feel confident that people can smuggle into New York just what they have a mind to; and in days like the present, when the tariff amounts almost to a prohibition, the inducement is great to do so.

By Mr. Hulburd:

Question. Does your experience and observation suggest any practical remedy for these abuses?

Answer. Yes, sir. In reference to the officers sent on to vessels, I think men should be detailed night and day, and men should be obliged to be aboard night and day, and perform their duties. A class of men should be appointed who will do it. I think the system at the barge office is all wrong, and behind the age. I suggest that men should be put there who know something; business men; men of brains.

Question. Who is at the head of that business?

Answer. Mr. Van Buskirk.

Question. By whom is he appointed?

Answer. By the collector. Many think that the wheels of government would have to stop on his death.

Question. Could not these abuses be remedied by placing a man of capacity there, and detailing inspectors in rotation as their names occur on the books?

Answer. Yes, sir. According to the revenue laws it is the duty of the inspectors to put their names down as they go down to the barge office for duty. When an inspector inspects a vessel and makes his returns, he enters his name upon a book kept for that purpose. But Mr. Van Buskirk details officers without reference to the priority of names on this book, and without reference to the capacity of the inspector for the specific duty directed to be done. In other words, the whole thing is conducted on the principle of favoritism. I think if a deputy surveyor was detailed down there to have charge of the barge office, he could remedy the whole difficulty.

Question. What salary does Mr. Van Buskirk get?

Answer. He used to receive three dollars a day, or \$1,095 a year.

Question. Is the barge office arrangement under the control of the surveyor's department?

Answer. Yes, sir.

NEW YORK, *September 23, 1864.*

FERNANDEL NICHOLS, a witness, being duly sworn, testified as follows:

By Mr. Hulburd:

Question. Are you connected with the custom-house?

Answer. Yes, sir.

Question. How long have you been there?

Answer. During most of Barney's administration.

Question. In what capacity?

Answer. At the entry desk.

Question. How long have you been at that desk?

Answer. Two years.

Question. Do you know anything of one McDowell obtaining any favors in the way of getting his baggage passed by the detectives of the custom-house?

Answer. It is customary for some officers in the custom-house to expedite the passage of baggage on the arrival of steamers, if they understand it belongs to parties who are entirely unexceptionable, and against whom no suspicion of smuggling would attach. Previous to the arrival of a steamer from Liverpool about a year ago, Mr. Francis M. McDowell, of the firm of Samuel Halleck & Co., came to me and told me his father-in-law was coming over on the next steamer, and wanted to know if his baggage could be expedited through the custom house, or whether he would have to wait and go through all the usual ceremony. I asked him if he was bringing any goods which ought to pay duty. He said he was not, and that it was only because his father-in-law desired to go through to Pittsburg without detention that he wished this favor. I told him I did not know all these men who inspect baggage, but that I would speak to Mudgett or Calhoun, deputy inspectors, and get a letter to the officer in charge, so that the baggage might be passed. I did not know what entry clerk would go over. It is the custom of the entry clerks to go on board of each steamer on its arrival, and collect duties on all dutiable articles in passengers' baggage.

Question. Has any inspector the right to receive those duties?

Answer. No one but an entry clerk. The appraiser appraises the value, and the entry clerk receives the duty. For some reason I did not see Mr. Mudgett or Mr. Calhoun that day. The steamer was to arrive the next morning, but we got word that the steamer would be up that night, and that the baggage would not be examined until next morning; and as I go out of town over night I informed another entry clerk that it would be necessary for him to go aboard the steamer the next morning, and I told him what McDowell said in reference to the baggage. I unhesitatingly accepted Mr. McDowell's statement. When I got to the city the next day I heard nothing about the matter until Mr. Munson, who went on to the steamer, came in. He told me the baggage was passed through all right; that he spoke to Brown and Graham, inspectors, in regard to it, and that they gave Mr. McDowell every facility he wished. After that I saw Mr. McDowell and asked him if he had any difficulty in passing his baggage, and whether he was detained at all in its examination. The favor would have been just as great to him if they would take his baggage, examine it, and let it pass. He said he found there was to be a very long examination of the passengers' baggage, and he spoke to some one about it—I think it was Brown; it may have been Graham—and gave him some fifteen or twenty dollars in gold.

Question. Which one of those inspectors did he give it to?

Answer. Mr. McDowell has been spoken to upon that subject since, but he

does not care to talk about it at all. Having told his father-in-law that his baggage would be passed through, he was ambitious, for personal reasons, to show that he had done what he undertook to do. A good deal of his baggage was opened, but whether it was examined or not I do not know; and this sum of money was paid to one of these persons. That is what McDowell told me unhesitatingly in the first place; but when he found out that it was to be made a subject of investigation, he was evidently disinclined to say anything about it, or to bring any one into trouble.

Question. How long was it after this occurrence that you saw Mr. McDowell?

Answer. The same day, I think.

Question. And he told you the same day the conditions on which he got it through?

Answer. He did not say that was the condition; he told me he paid a certain amount of money, or handed it as a present.

By Mr. Rollins:

Question. Was it not the duty of the entry clerk to examine this baggage?

Answer. That duty devolves upon the inspector. At the Cunard steamer dock we are placed in the office, and the baggage is placed right by there, and whenever an article is discovered in a trunk on which a duty should be paid, it is brought by the inspector to the appraiser and appraised by him, and generally by the help of the entry clerk. After the appraiser has fixed the value, it is the duty of the entry clerk to assess the duty at the proper rate.

Question. Then these articles could be passed by the inspectors without the attention of the entry clerk being called to it?

Answer. Oh, yes; I presume thousands of articles are passed without the entry clerk knowing anything about it.

Question. Do you go on board these steamers now?

Answer. Yes, sir; it is the duty of one of the entry clerks to go on board of steamers regularly.

Question. Have you yourself ever seen any money paid to the inspectors?

Answer. No, sir; this is the first and the only instance that ever came to my knowledge, and I don't know anything about that, positively. I was naturally very indignant when I found that this man had taken money for doing the thing, showing, by the very fact of taking it, that they were doing the man a favor. I did not suppose I was doing the man a favor at all. I presume McDowell paid the money for the mere personal gratification of saving his father-in-law any trouble.

NEW YORK, *September* 24, 1864.

SAMUEL L. CAVERLY, a witness, being duly sworn, testified as follows:

By Mr. Hulburd:

Question. Where do you reside?

Answer. In Brooklyn.

Question. What is your business?

Answer. I am a custom-house revenue inspector.

Question. How long have you been an inspector?

Answer. I was sworn in on the 31st of August, 1861, and entered upon duty that day.

Question. Are you an inspector now?

Answer. Yes, sir.

Question. Is it a portion of your duty to go on board of vessels as they come into port?

Answer. Yes, sir.

Question. Who assigns you to duty?

Answer. John L. Van Buskirk.

Question. What is the routine by which inspectors are assigned to duty?

Answer. Mr. Van Buskirk has a book there in which each officer, when he returns from duty on board of a ship, enters his name and reports for duty. The entering of his name is a report for duty.

Question. Do you know of any improprieties, abuses, or corruption, connected with the office of inspectors?

Answer. I have not been able to discover anything which looked like fraud connected with that department.

Question. Are inspectors sent on board of a vessel singly, or are two or more detailed at the same time?

Answer. That depends on what the vessel is. On packets and sailing crafts we go singly, but two officers are assigned to steamers.

Question. Has money been paid you for duty on steamers?

Answer. No, sir; not on the ship. I never received anything on ship from any one. I will say that I have received little presents once in a while, but not from every ship, by any means. The receiving anything is rather an exception to the rule. When an officer goes on board of a ship and attends to his duty in discharging the cargo, according to the rules of the department, he may sometimes expedite the discharge of cargo, and in such cases, especially if the ship is in a hurry, the consignee sometimes makes him a present.

Question. Is that present in money?

Answer. Sometimes.

Question. Is it given to you at the time, or before or after the cargo is discharged?

Answer. It is never given to us before. Sometimes it is given us a week, or two weeks, or a month after; sometimes it is sealed in an envelope and sent to us.

Question. What is the largest amount you ever received from any one ship?

Answer. The largest amount I ever received from a steamship, or any other vessel, was \$20, I think.

Question. You never received anything on a ship?

Answer. No, sir.

Question. What is expected from you in consequence of making these presents?

Answer. Steamships have regular sailing days, and sometimes they are delayed and have but a short time to get ready to sail on the advertised day. And in such cases we have often stayed on the dock until twelve o'clock at night to be ready to discharge the cargo, and for such little extra services little presents have been given us in the way I have mentioned. I have never received a cent in fraud of the revenue in my life.

Question. What do these presents amount to in a year?

Answer. I do not think they will exceed a hundred dollars per annum.

Question. Does the consignee of every steamship make such presents?

Answer. No, sir.

Question. Have you ever seen or known of your associates receiving, on board of ships, money from passengers for overlooking baggage?

Answer. No, sir.

Question. Do you know of any of them receiving presents on board a ship?

Answer. No, sir.

Question. Or after they came ashore?

Answer. No, sir. I never knew of an instance of their receiving presents from passengers.

Question. Or from the owners?

Answer. Not from the owners of baggage or merchandise.

Question. Or from the agents of consignees, or consignees themselves?

Answer. Only in the manner I have already told you.

Question. Have you known of others beside yourself receiving presents ?

Answer. Yes, sir, the same as myself.

Question. Large amounts ?

Answer. I cannot tell as to that. A present is usually handed to an officer in an envelope, and I cannot tell what he receives. I can speak only for myself, but I am convinced that other officers have been in the habit of receiving compensation for these extra services I have mentioned.

Question. Then the committee understand you to say that you never have passed baggage or goods in consequence of presents received, or expected to be received ?

Answer. I never have.

Question. Do you ever report the presents you receive to Mr. Van Buskirk ?

Answer. No, sir ; we never say anything about them, but it has always been my opinion that the department understood that we received these little things. I do not say that they do know.

By Mr. Rollins :

Question. Do you say that these are the only presents you have ever received from any source whatever since you have been in office ?

Answer. Once I did receive a ham from a captain after the cargo was out. He said he would be pleased to present me with a Westphalia ham, and I took it home, and found it very good.

Question. On board of these steamers are you very careful in examining passengers' baggage ?

Answer. I am.

Question. Are not some of the passengers very anxious to have their baggage passed without much examination ?

Answer. I have known of such instances. I have been offered money for passing baggage.

Question. How large an amount ?

Answer. Perhaps a sovereign or two.

Question. By whom ?

Answer. Passengers who are strangers to me.

Question. Has this often occurred ?

Answer. It is of frequent occurrence.

Question. Does it occur on board of every or nearly every steamer ?

Answer. No, sir, not to me.

Question. Is it offered to you on the dock ?

Answer. That is where it has been offered me.

Question. Do such things occur in the discharge of baggage from all or nearly all the steamers ?

Answer. No, sir, not with me. It very rarely occurs on the steamers on which I examine baggage. But I do not examine baggage on all the steamers that come in.

Question. Are you of opinion that all the inspectors refuse these offers as you do ?

Answer. I have heard of an officer who was removed for accepting something on shipboard.

Question. Who was he ?

Answer. He was reinstated some time since.

Question. What is his name ?

Answer. Elisha Patrick.

Question. When was he removed ?

Answer. A little more than a year ago.

Question. How much money was he accused of receiving ?

Answer. Ten dollars.

Question. When was he reinstated ?

Answer. From one to three months afterwards.

Question. Is that the only instance you know of in which money was received under such circumstances ?

Answer. Yes, sir.

Question. Have you ever heard of other inspectors refusing money ?

Answer. I have heard inspectors say they refused money.

Question. What is your opinion as to whether inspectors do or do not receive money in this way from passengers, the owners of baggage ?

Answer. It is my opinion that they do not accept anything for examining baggage.

Question. What order is observed by Mr. Van Buskirk in detailing the inspectors for duty on board of vessels ?

Answer. The names are not always taken in regular rotation from the rolls.

Question. Why not ?

Answer. I presume one reason is that all the officers are not capable of taking all kinds of vessels. There are cargoes which many officers are not capable of discharging.

Question. What cargoes are those ?

Answer. The cargoes of steamers.

Question. What inspectors are principally detailed for those steamers ?

Answer. I always understood those were selected who were most competent. I cannot specify all the officers who have been detailed for duty on board of these steamers.

Question. What are the names of the inspectors whose duties have been principally on board of these steamers ?

Answer. I can name a great many who have had more steamers than I have had ; Mr. Couch, a very competent and good officer, has had a good many steamers ; Wm. B. Smith, another officer, as competent as any in the service, has had a good many ; Mr. Williams is another ; and Mr. Van Vechten is another ; Mr. Charles Brown used to have a great many steamers before he resigned.

Question. When did he resign ?

Answer. Three or four months ago.

Question. Has Isaacs been detailed for that duty ?

Answer. He is a discharging officer.

Question. But he has to go on board these steamers ?

Answer. He has almost always had the steamers, together with Archer and Graham.

Question. Are they not inspectors ?

Answer. They are upon what is called special or detective duty.

Question. Are they detailed for all these steamers ?

Answer. They generally visit them. They usually go down to the vessels before they come up to the wharf.

By Mr. Hulburd :

Question. Were you in this business last November ?

Answer. Yes, sir.

Question. Do you know Mr. Caswell ?

Answer. Yes, sir ; and he is a man, too, that had a great many steamers.

Question. Do you know Mr. Russell ?

Answer. Yes, sir ; but I do not think he has been favored in that way.

Question. What is Mr. Caswell's reputation ?

Answer. It is good.

NEW YORK, *September 24, 1864.*

EDWARD M. MORRIS, a witness, being duly sworn, testified as follows:

By Mr. Hulburd:

Question. Are you connected with the marshal's office?

Answer. Yes, sir.

Question. Are you a clerk?

Answer. No, sir; I was employed there to discharge prize vessels.

Question. How long have you been connected with that office?

Answer. Since some time in the winter of 1862.

Question. Do you recollect anything about the cargo of the *Evening Star*?

Answer. No, sir.

By Mr. Rollins:

Question. Have you been an inspector?

Answer. Yes, sir.

Question. When?

Answer. During 1857; and I was such up to some time in 1862, I believe.

Question. What do you know of the manner in which inspectors discharge their duties, and of the abuses in that department of the service?

Answer. I know so much about it, I would like to have you direct your question to particular cases.

Question. We ask you the question generally.

Answer. Well, it is all abuse. I know that men who were most liberal there would get the best vessels to discharge.

Question. What do you mean by that? Did you ever pay any money to anybody?

Answer. No, sir. I know that inspectors who live up in the country have paid money, or its equivalent.

Question. What do they pay?

Answer. Butter, cheese, and such things.

Question. What parties do they fee for the purpose of getting good vessels?

Answer. One gentleman there, Mr. Van Buskirk, seems to have everything to do with that matter.

Question. Do the officers make him presents?

Answer. Yes, sir.

Question. For the purpose of being detailed to particular vessels?

Answer. Yes, sir.

Question. What makes one vessel better than another?

Answer. Because there are chances upon some vessels. For instance, the *Arago* and *Fulton* are desirable vessels for inspectors to have, because you would not have to furnish your own meals, as you would get them on board of the vessel; and the steward would make up little packages for you to take home, such as tongues, sausages, liquors, and things of that kind; and, besides, there was always something, more or less, allowed—twenty dollars or so.

Question. Who paid those sums of money?

Answer. The consignees of the vessels.

Question. Did the inspectors ever receive money from passengers or others having baggage to pass?

Answer. A plenty of it.

Question. Was it a matter of frequent occurrence?

Answer. I do not believe that a vessel ever arrived here from which the inspectors have not got money from passengers, if they could get it.

Question. What steps would they take to get it?

Answer. They would threaten to seize the baggage and take it away.

Question. What officers would do that?

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Answer. Isaacs and Brown were two of them. They had everything to do with making money out of passengers. If anybody else had done it they would have been complained of.

Question. Did you ever have any of these vessels to examine?

Answer. Yes, sir; many of them.

Question. Did you ever take any money?

Answer. I took money which was promised to Brown, and it was given to me because I was there earlier than Brown was.

Question. How much money did you receive?

Answer. Five sovereigns.

Question. More than once?

Answer. Not five sovereigns more than once.

Question. Have you received smaller sums?

Answer. Yes, sir.

By Mr. Hulburd:

Question. What was the money given to you for?

Answer. I was detailed to discharge one of the Cunard steamers. She arrived here very late one Sunday evening, and it was so late the passengers and their baggage could not be discharged that night. There was a party of gentlemen on board the vessel who wanted to go to Philadelphia in the seven o'clock train the next morning, and Brown, the inspector, promised faithfully to be over before sunrise to examine the baggage and let them go. He was going to take the responsibility on his own shoulders, as those gentlemen said. The name of one of these men was Brown. I was going over about sunrise the next morning in consequence of having been detailed, and I met Mr. Van Buskirk. He said he was very glad to see me, and as we went down he told me there were three men on board of that vessel who wanted to go to Philadelphia on the seven o'clock train. He told me to go on board, and whisper to them to get their baggage out, and that I would examine it and let them go. I went on board the vessel and saw some gentlemen looking around as if they were waiting for somebody. I asked them if they were the parties who wanted to go to Philadelphia that morning. They said they were. I told them that Mr. Van Buskirk told me to tell them to get their baggage out, and not to detain them. In the mean time another gentleman, who had one trunk, carried it out himself and put it on the dock on one side and at a different place from the other trunks. These parties had declarations made out the night before, so that there would be no loss of time. And so did this other gentleman, in fact. I went to this one man and he gave me his declaration, and I examined his baggage. Mr. Van Buskirk examined the baggage of this party of three. I signed those three men's declarations at Mr. Van Buskirk's suggestion. One of those three gentlemen, Mr. Brown, wanted to give Mr. Van Buskirk something that was rolled up in a piece of paper, which turned out to be this money. Mr. Van Buskirk turned away and would not have anything to do with it. I never saw him do anything of that kind in my life. He went away, and then Brown came to me and told me that Mr. Brown, the deputy surveyor, had promised him to be over early next morning; that they had sat up late playing cards the night before to raise a little sum of money to pay to him. Mr. Van Buskirk refused to have anything to do with it, and left me to sign the declarations. These men slipped the money into my hands and said, "Here, Brown is not here; take this and drink our healths off of it." I looked at the money some time afterwards, and found there were five sovereigns. The men got a man at the dock to truck their things down to the depot, and while they were passing down the street Brown, the inspector, happened to see them, and they gave him a description of me and told him they had given me the little purse of money which they had made up for him. Before this time I

had got out on one side and opened the package, and determined that if Brown asked me anything about it I would tell him all I would have would be half a sovereign. He came and asked me how much they gave me, and I told him half a sovereign. He said he thought they gave me more. I thought it no harm to keep that money from Brown.

Question. Was it customary for these inspectors to threaten passengers or take some other steps to force them to pay for passing their baggage?

Answer. If they thought a man had any money, they would resort to that kind of means, more particularly Brown and Isaacs. If there was anything of value, Brown and Isaacs would have it.

Question. Is that the way they do now?

Answer. Yes, sir. Archer is in with them now.

Question. Did they take money on board of these steamers?

Answer. Yes, sir, more or less. If they didn't take money, they would take something else. They were sure to get something.

Question. Did you talk it over with them?

Answer. No, sir; I dare not mention anything of that kind to them.

Question. How did you find out that they got it?

Answer. There is a plenty of passengers who have told me of it afterwards.

Question. You never heard them say how much they got?

Answer. No, sir.

Question. You were on special duty, were you?

Answer. For two years of the time I was in the custom-house I was in an important position—assistant boarding officer, and part of the time boarding officer. I consequently had to board all these vessels, or put officers on board of them.

By Mr. Hulburd:

Question. You say that Van Buskirk would not take this money, but that he would take presents?

Answer. Yes, sir; and he takes them yet. Offer him a basket of peaches, and see how quick he will take it. And the next vessel that comes in, you are assigned to that vessel. It is all favoritism in the custom-house, and nothing else.

Question. Did the custom-house officials discharge you, or tread on your corns?

Answer. No, sir; I am telling a plain matter of truth. I gave evidence before the Van Wyck committee, at the St. Nicholas hotel, sufficient to turn the whole custom-house officers out, and enough against Isaacs and Archer to send them to the State prison.

Question. Do you know anything about the seizures of goods in stores?

Answer. I know too much about them. Whoever made the seizures, it was done, or supposed to be done, by the surveyor; but subsequently the matter was always settled by Isaacs and Brown in some manner. I know the officers appointed to take charge of the store would always be relieved by them, and they would be in and out of the store in which the seizure was made a dozen times a day.

Question. When were the seizures to which you allude made?

Answer. In 1862, I think.

Question. By whom?

Answer. By the collector and surveyor, it was supposed; but, in fact, the seizures were made by the inspectors.

Question. Give the committee the names of some of the firms whose goods were seized.

Answer. There was one firm by the name of Mathewson & Son, in Spruce street, importers of French calf-skins.

Question. Were the goods given up after the seizure?

Answer. Yes, sir, after their paying an amount of money to Brown and Isaacs.

Question. How much?

Answer. I believe it was \$2,500 they had to give.

Question. Do you know of any other similar case?

Answer. A man by the name of Petrell, at the corner of Park and Center streets, an importer of leeches, had to give, I believe, something like \$2,000 to get out of a scrape. They seized everything he had. They knew all along that he had been making these importations, and defrauding the revenue; but about this time, I suppose, they wanted to raise a stock of money, and they jumped right upon him.

There was another case, at No. 19 Park place, but I do not remember the name.

Question. When were you removed from office?

Answer. About three years ago.

Question. By whom?

Answer. By Mr. Palmer, and not by the collector at all, because the collector himself promised me faithfully that I should be retained as long as I attended to my duties.

Question. How were you removed? Did you receive any written notification of removal?

Answer. Yes, sir.

Question. By whom was it sent?

Answer. By the collector, per Palmer, secretary. The whole of it was in Palmer's handwriting.

Question. Did the letter contain any reason for your dismissal?

Answer. No, sir.

Question. Did you ever have any interview with him about it?

Answer. No, sir.

Question. How do you know what you were removed for?

Answer. I supposed it was to make place for somebody else.

NEW YORK, *September* 26, 1864.

CHARLES A. BUCKLEY, a witness, being duly sworn, testified as follows:

By Mr. Hulburd:

Question. Are you a merchant doing business in this city?

Answer. Yes, sir.

Question. An importer?

Answer. Yes, sir.

Question. For how long a time?

Answer. A little over twenty years.

Question. What is the name of your firm?

Answer. Buckley & Co.

Question. Have you had anything to do with the inspectors of the custom-house here?

Answer. I have had goods passed.

Question. Have you ever received any visits from them at your store?

Answer. Certainly, frequently, to examine goods.

Question. It has been stated to the committee that you have had calls from some of these inspectors at your store, asking for, or intimating a wish for goods as a consideration for passing baggage, or for other favors of the kind. Is that so?

Answer. I never in my life had a man ask any such thing of me, although I have given presents to some of these people. Nothing has ever been claimed

of me, but I have had men come into the store—not inspectors only, but other people in the custom-house—and admire certain things, such as dress-goods, and ask me to sell it to them, and I have cut off a dress and given it to them. But I never gave it to them as a payment for anything. I would do by such a person as I would by a customer who admired a certain dress for his wife—cut it off and give it to him. If you were a merchant here you would do the same thing.

Question. Have you had any favors shown you in the way of passing baggage?

Answer. Nothing more than is shown to everybody else. I go to Europe very often, and when I come back my baggage is passed like that of other people; but if a man should come to me and propose to give me the preference, and let me get through quickly, I would give him something for it. I have sometimes brought out some things in reference to which, perhaps, it was questionable whether I should pay a duty. I brought out, for instance, two guns for my boys. One of the gentlemen who passes baggage—I forget who it was—said “I would like to pass these for you.” I said “I think you ought to pass them.” He replied that he could not. Well, I said I should get them in free. He said “take it up to the sample office.” I did so, and I called upon the collector and told him I wanted these two guns passed, and he passed them in a moment. I do not know of any wrong-doing on the part of the inspectors. I never paid an inspector for anything of the kind, and I never would; but I would reward a man if he was zealous in my interest in getting me ashore early.

Question. The question is, whether you would make presents for favors shown you, to the detriment of the government?

Answer. Nothing beyond what I have spoken of. A few years ago I did bring out a basket of silver plate for my own use, and the inspector at the wharf would not pass it, and I told him to take it to the office of the collector. I am going to Europe very frequently, and I thought it pretty mean in the government to charge me on such a thing. I went up to the collector's office and told him, and he passed it through. But I never asked a man to do what he ought not to do, and I would not.

There is another thing to which I would call the attention of the committee: I am robbed at the custom-house every day. My goods are stolen. I got a case of rugs out of bond six or eight weeks ago. They are worth from twenty to twenty-five dollars apiece, and I found the case was short three rugs. They were unquestionably stolen there. As they did not belong to me, but were assigned to me, I have got to pay for them myself.

Question. Do you know the condition in which the box was landed?

Answer. No, sir. I know that when it was landed we warehoused it. When I wanted the goods I entered the box, and the moment it was brought into the store I opened it and counted the rugs, and the number was three short.

Question. How long had the box laid in the warehouse?

Answer. Three or four weeks.

Question. Do you know of any other similar case?

Answer. Yes, sir. I had last winter four cases of goods, from one of which two pieces, and from another three pieces were taken out. The cases had the appearance of having been opened. I went to Barney and told him of the circumstance, and he said he would be glad to do anything in his power, but he did not know what to do. This thing has occurred very often, but I have never said anything about it when one or two pieces have been missed. For the last twenty years we have been losing goods, but as it happened only occasionally I have hardly ever spoken about it. I had been given to understand there was no help for it, and as the loss was not very large I have given no trouble about it.

Question. Have you had any reason to complain of the government as to the manner in which damaged cases have been disposed of by the government?

Answer. I do not know that I have. There may have been cases where I thought they did not allow enough, but we have generally been met with fairness in that respect.

Question. Have you ever experienced any improper delay?

Answer. I think we have had a great deal of it within the last year. I had an instance of it last week. A case of goods was landed here and entered on the 13th of July last. It was a case of silks. I did not want the case of goods immediately, and therefore it laid in the warehouse several days before we made an attempt to get it passed through. I finally entered the goods for consumption about ten days ago, and the case of goods could not be found. I sent a young man there time after time, and finally I turned up in the appraisers' loft, and they had had it there all the while. I was about ten days getting the goods out. We are bothered a good deal in that way. They excused the matter by saying there were not appraisers enough, and that they had more to do than they could attend to. That seemed quite likely to me.

Question. Have you ever had occasion to pay any of the clerks or other officers of the custom-house to expedite your business there?

Answer. I do not know but my young men may have done so. I dare say they have, but I do not know who, nor I do not want to know. When you have a large stock of goods in the custom-house, and the season is passing away and customers want the goods, you are apt to facilitate their passage through the custom-house the best way you can; and if your young men should happen to make a present to somebody, you would not make a great deal of fuss about it.

By Mr. Rollins:

Question. I suppose you have good reasons to believe that that has been done by some of your employes?

Answer. I think very likely. The boys see it done by others, and see other entries pass through, and they do not like to be left out in the cold.

NEW YORK, *September 26, 1864.*

EZRA P. CUYLER, a witness, being duly sworn, testified as follows:

By Mr. Hulburd:

Question. Are you connected with the custom-house?

Answer. Yes, sir.

Question. In what capacity?

Answer. As special aid.

Question. You have more or less to do with the barge office?

Answer. Yes, sir.

Question. Look at this book, called at the barge office the "royster," in other words a book assigning officers to duty on vessels, and looking at the record for November 2 or 3, 1863, see if the steamer Germania came in about that time; and if so, who was detailed to examine the baggage of passengers on that steamer.

Answer. (The witness looking at the book.) The steamer Germania came in on the 2d of November, 1863, and Inspector Russell was assigned to that steamer.

Question. Alone?

Answer. No, sir; Mr. Caswell was with him. I know this is the book used at the barge office.

By Mr. Rollins:

Question. What order is observed in making the detail?

Answer. They are not detailed in the order in which the names are entered on the royster.

Question. What rule does govern?

Answer. I cannot tell you.

Question. Is there any rule observed?

Answer. Men may be engaged in other duties, and may not be there to take vessels in the order in which their names appear.

Question. If the men are present, are they detailed in the order in which their names appear on the royster?

Answer. I cannot swear to that.

Question. What is your position?

Answer. Special aid for the purpose of examining baggage.

Question. You say you are acquainted with the business at the barge office?

Answer. I simply know that this is the book used at the barge office, and that the officers whose names are on the book are the officers assigned to duty.

Question. Do you yourself visit these steamers?

Answer. Yes, sir; sometimes.

Question. Have you ever known inspectors to receive compensation from passengers?

Answer. No, sir; not that I could swear to. I have known bundles or boxes of cigars handed to inspectors by passengers.

Question. On board of vessels?

Answer. No, sir; on the wharf. That is of frequent occurrence.

Question. Have you known passengers to pay money to inspectors?

Answer. Never but once, and in that case the goods were immediately seized after the money was paid.

Question. Who paid the money?

Answer. A Jew.

Question. To whom did he pay it?

Answer. To Inspector Archer.

Question. When?

Answer. About six weeks ago.

Question. What was the amount?

Answer. Two and a half ounces of gold, which is forty-odd dollars.

Question. Archer received the money, did he?

Answer. Yes, sir.

Question. Did he report it?

Answer. Yes, sir. All the inspectors knew it.

Question. Did he report it himself?

Answer. It was generally talked of in the office. We all knew he had the money.

Question. What did he receive the money for?

Answer. This Jew went to one of the inspectors and tried to get him to pass the cigars, and tried to put the money into his hands, but he would not take it. The Jew then went to another inspector. In the mean time it was arranged between Brown and Archer that Archer should take the money, and Brown was to come along and snatch the manifest out of his hands, and seize the goods. He had entered his trunk as containing cloth and wearing apparel. So while Archer was attending to the trunk, and examining it, Brown came along and took the paper away from him, and seized the trunk.

Question. What was in it?

Answer. Cigars. I think they were appraised at the appraiser's office, and that the Jew paid the appraisement and duties.

Question. Is that the only instance you know of in which money has been paid?

Answer. The only instance I know of myself. There are frequently rumors of money being paid. I have myself been offered money.

Question. Frequently?

Answer. Yes, sir. I have had men offer me money for passing cigars and

other things. I have no doubt there are abuses in the custom-house, some very gross ones; and that there are inspectors who take money, I am satisfied.

Question. What is your position?

Answer. It is more as a detective than anything else.

Question. You are employed by the government to detect frauds. Now, what frauds have you detected?

Answer. I was one of the principal parties in the case of the steamer José, and then in the seizure of Benjamin's books, and Deblond's money, and money belonging to a man by the name of Hart, and money belonging to DeWolf.

Question. Your duty is to detect frauds; you visit all these steamers coming in; and you say it is rumored and believed that money is offered to and received by these inspectors for passing goods. You say it is offered, you know. Now, have you been able, as government detective, to detect any instance in which money has been received?

Answer. I have not.

Question. And you have been on board of all these vessels?

Answer. Yes, sir.

Question. And you have not been able to detect any instance of that kind?

Answer. None that I could swear to. I have had men tell me they paid money so and so, but they will not tell the officer's name to whom the money was paid. We cannot get them to tell the names. We have tried it several times.

Question. Who has told you such things?

Answer. Casual passengers, whom we never see afterwards.

Question. If it be true that you have not been able to detect any of these frauds, what is the use of having a detective?

Answer. Of course we keep at work trying to do it.

Question. But you do not accomplish anything.

Answer. But what we cannot do we are not answerable for.

Question. If you are not able to do anything, what is the use of having any such officer?

Answer. Perhaps it is of no use.

Question. Have you given us the sum total of the results of your efforts to detect frauds upon the custom-house in that direction?

Answer. In that direction I have. Of course I cannot give all my attention to that matter, because I am frequently engaged in other duties. Passengers will slip money into the detective's hands, and it is almost impossible to prevent it. You may suspect such things, but you cannot find them out. If they find out such things, they will suspend the party a few days and then put him to work again.

Question. How do you know? Have there been instances of suspending and then restoring inspectors who have been detected in taking money?

Answer. No, sir; not that I know of.

Question. Then how do you know it?

Question. I know what is generally talked of in the inspector's office—such as, that inspectors are suspended for being away from their duty, for dereliction of duty generally, and then put on duty again.

Question. Yes; but you said that if an inspector was suspended for taking money he would afterwards be restored.

Answer. I did not mean for taking money; I meant for being absent from duty.

Question. But we were talking about frauds upon the custom-house, and of attempts upon the part of passengers to get their goods passed by paying money to the detectives. Now, I want to know what inspector has been suspended or taking money, and afterwards restored?

Answer. Inspectors are brought up there and suspended—suspended for neglect of duty—and we afterwards find them at work.

Question. Have you found them at work again on board of ships after they have been suspended for taking money?

Answer. No, sir.

Question. Then why did you say so?

Answer. I did not refer to money matters. My attention has been directed a good deal to getting up these matters of Benjamin and of Palmer. We have the José matter under consideration now.

NEW YORK, *September 26, 1864.*

GEORGE W. PINE, a witness, being duly sworn, testified as follows:

By Mr. Hulburd:

Question. Are you connected with the New York custom-house?

Answer. Yes, sir.

Question. In what capacity?

Answer. As inspector.

Question. What are your duties as inspector?

Answer. One of the first things is the examination of passengers' baggage, and, if we find anything dutiable, we send it to the public store.

Question. Is that invariably done?

Answer. I think it is generally done by the regular discharging officers; but there is still a class of persons connected with the custom-house who often pass baggage without examination.

Question. Do they pass it for a consideration?

Answer. It is impossible to tell; but that is the general impression.

Question. Have you any knowledge on the subject?

Answer. The only knowledge I have, which may be considered definite, is a case which occurred on board the steamer Asia last June, I think.

Question. What was that case?

Answer. I was examining the baggage of one of the firm of Arnold, Constable & Co. I saw Isaacs off on my right, and, having an opinion of him, I thought I would watch his operations. I kept my eye upon him, and I saw a man, who I supposed owned the trunk they were looking at, come up to Mr. Isaacs and put something into his hands sideways. This was a large trunk tied with a cord. After this operation of hand, Isaacs took hold of the trunk and cut the cord, and pushed it off of the trunk, so as to give it the appearance of having been opened, though he did not open it at all.

Question. What was done with the trunk?

Answer. It was passed.

Question. Was it opened at all?

Answer. No, sir. That is the only time I ever saw what I supposed to be money actually put into an inspectors hands.

Question. You know of no other transaction of the kind?

Answer. None which came under my observation. I had a conversation this morning with an inspector by the name of Wild, who told me that on board of the Scotia, about a year ago, came as passengers a Mrs. Forsyth, of Albany, some ladies connected with her, and her son-in-law, living in Boston; that Brown, the deputy surveyor, called upon him, Wild, and told him he wanted him to examine their baggage; that he did so, and found some goods there which were dutiable; that he was ordered to pass the baggage; and that after he got through he went on board the ship into the state-room with his son-in-law; that he finally, after some conversation, asked him what it cost him to get that baggage through, and that he replied two hundred dollars. The proper rule is for passengers to make a declaration of their baggage and the contents. These de-

clarations are given by Mr. Van Buskirk to officers to go and examine the baggage; but certain parties assume to examine baggage without these declarations of Mr. Van Buskirk, and they often pass baggage without opening it. Even cases of goods are so passed. One case occurred on the steamship London last week at the barge office. The case of goods was passed by Mr. Archer without examination.

Question. Who was the owner of the case?

Answer. I do not know. Mr. Trotter insisted on knowing what the case contained. The owner said it contained carved work for a yacht he was building. The case was not opened. The man said Archer had passed it, and it was none of Trotter's business to know what it contained. I have seen Lowber, Isaacs, Archer, and Graham, all of them, pass baggage repeatedly without examination.

NEW YORK, *September 27, 1864.*

JAMES H. WILD, a witness, being duly sworn, testified as follows:

By Mr. Hulburd:

Question. Are you connected with the custom-house?

Answer. I have been connected with the custom-house for the last two years.

Question. Do you know anything about frauds or rascalities practiced by the inspectors?

Answer. I cannot say that I do. My business has been confined to little vessels and brigs.

Question. How is baggage passed by inspectors?

Answer. I was on board the cars yesterday with Mr. Pine, and while we were talking about passing the baggage of passengers, I told him that the "flying artillery" generally did that instead of the inspectors. If we are at the barge office we are assigned to go on board of steamers, but half of the baggage is examined and passed by the inspectors, who are connected with the surveyor; but whether right or wrong I do not know. That is a duty of which I have done very little. I have generally been stuck on board of these German vessels.

Question. Do you know anything about inspectors passing baggage free, on which duties should have been paid?

Answer. I do not. A Mrs. Forsyth and her son-in-law, and some ladies, came as passengers on board the Scotia about a year ago. I examined the baggage, and the only thing I found was a silk dress made up, belonging to Mrs. Harris, of Albany.

Question. Did you ask that son-in-law what it cost to get that baggage through?

Answer. No, sir; but I remarked to Mr. Pine that I should not wonder if it cost them two hundred dollars to get that baggage through. There was a large company of them—twelve or fifteen.

Question. When did you make that remark to Mr. Pine?

Answer. Yesterday morning.

Question. Did you have any conversation with that son-in-law about passing the baggage?

Answer. No, sir.

Question. Did you with any one of the party?

Answer. No, sir.

Question. What made you remark to Mr. Pine that it might have cost them two hundred dollars?

Answer. We were talking about the "flying artillery," and if there is any "hatchet" to make they must make it.

Question. Did they handle that baggage?

Answer. No, sir. I handled it.

Question. Who then did you suppose got the two hundred dollars, or any part of it?

Answer. If any one got it it must have been the "flying artillery." One of them came to me and requested me to pass the baggage. I went on the dock and examined it.

Question. Did you examine it thoroughly?

Answer. Yes, sir; just as we do most of the baggage.

Question. Why should it cost a dime, then, to get it through?

Answer. My remark was more a joke than anything else. It was a mere supposition of mine.

Question. If they had nothing dutiable why should it cost anything?

Answer. Because I was requested to pass their baggage. A great many will pay money if you will not touch their baggage, or maul their trunks.

Question. You say you had no such conversation as has been alluded to with that son-in-law?

Answer. I did not.

Question. What reason had you to believe they might have been paid two hundred dollars?

Answer. I had no more reason to believe it then than at any other time. Those men always went down to the steamers by themselves, and I always thought there was something wrong about it.

Question. How long ago was this?

Answer. A year and a half or two years.

NEW YORK, *September* 27, 1864.

N. H. GILLET, a witness, being duly sworn, testified as follows:

By Mr. Hulburd:

Question. Are you connected with the New York custom-house?

Answer. Yes, sir.

Question. In what capacity?

Answer. As inspector.

Question. When did you come into office?

Answer. On the 10th of July, three years ago.

Question. Is it a part of your duty to go on board of vessels as they arrive in port?

Answer. For the first few months I was on discharging duty, as we call it, and reported at the barge office. In December following my appointment, Mr. Van Buskirk desired me to go over to the Cunard dock. I rather objected, as many of the officers do, to being made district officers. Mr. Van Buskirk said it was on discharging duty, and if I did not like it he would see if he could get a position more agreeable to me. I went over there, and have been over there ever since. After I got there I found the association very agreeable, as the officers of those ships are gentlemen, although very strong secessionists.

Question. Can you give the committee any information of the mode of inspecting the baggage of passengers?

Answer. I think I can, as I have been where a good deal of that is done.

Question. Do you know of any officers passing baggage for a consideration?

Answer. It is very difficult for a man to detect a shrewd and smart officer in anything of that kind, especially after he has had a good deal of experience and knows how to do it. I can say this much, that a great deal of baggage is passed at the dock which, to my mind, is not examined in accordance with the requirements of the revenue laws.

Question. Upon what inducement is it so passed?

Answer. I cannot say that any particular offers are made; but I notice the fact, that many persons will inquire of me for Isaacs, or Archer, or Lowber. I will tell them that Mr. Van Buskirk will assign them an officer to examine their baggage, and they will reply, "No, I want to see them." And then I

have noticed that baggage has been passed quite freely without being opened. I have always supposed it was for an object.

Question. Have you ever seen any act that induced you to think that there is a consideration in the way of a direct bestowment of money or gifts?

Answer. From what I have heard from other officers, and from my own observation, I have no sort of doubt about it, though it is difficult to learn definitely that such things are done. I do not know why it is that certain officers are so anxious to get on board of steamers, and do get on board when they first arrive. When baggage is landed, I have noticed that large lots of it are placed three or four hundred feet down the dock from where they examine baggage. That always seemed to me to be done at the request of certain parties, and I have noticed that a great deal of it is passed without being opened at all. The way business is done there, Mr. Van Buskirk stands up by the office at the upper end of the dock. All the officers come to him, and he passes the declarations as they are made out, and hands them over to such officers as he thinks best to give them to, I suppose. I believe it has been decided by the courts, that whatever may be the declaration, a misrepresentation does not confiscate a man's property so long as he throws his trunks open to the examination of the officers. Mr. Van Buskirk details out these declarations to such officers as he thinks best adapted, I suppose, to examine the baggage. But certain men—men who are sometimes termed the "flying artillery," and sometimes the "admiration ring"—examine baggage without its being assigned by anybody, and pass it.

Question. Who are those men?

Answer. I speak more particularly of Isaacs, Archer, and Lowber. Some except Mr. Graham and say that he is an excellent man, but is in bad company, but I notice they all associate together very familiarly. From what I have seen and heard, I have looked upon this thing with suspicion.

Question. From anything you have seen or known, have you any reason to believe that there is any collusion between these men and Mr. Van Buskirk?

Answer. I cannot say that I have. I think Mr. Van Buskirk does not wish to interfere with these men, because they are what is called special aids to the surveyor. He is a pretty old man, who has had a great deal of experience, and he probably considers it wise not to undertake to interfere with the surveyor's arrangements, or with men who are as officious as they are.

Question. Does Mr. Van Buskirk make it a point to be present upon the arrival of every Cunarder?

Answer. Yes, sir; and I do not think the old man would take a cent from anybody. A man once offered me a five-dollar gold piece, which I told him I could not take. He said he had been treated very gentlemanly and appreciated it. I referred him to Mr. Van Buskirk. He went and offered it to Mr. Van Buskirk, but the old man spurned it. I do not think the old man would be guilty of taking money under such circumstances.

Question. Then all the information you can give the committee upon that point is your opinion deduced from various circumstances, trifling in themselves, but sufficient to work conviction in your own mind?

Answer. I never saw a dollar pass from a passenger into any of their hands. I did once see a man stick a piece of money into Archer's pocket.

Question. How long ago?

Answer. Six or eight weeks.

Question. Was he a passenger?

Answer. Yes, sir. Archer passed his baggage and they had a little talk over it. I was satisfied the man had something in his hand, and being situated at that time so that I could notice what was going on, I kept my eye upon them. The man passed his hand out, but it was not met by another hand; and then I

saw him pass his hand to the vest pocket of Archer and throw a piece of gold into it.

Question. Was that before or after the passage of the baggage?

Answer. It was after.

Question. Did you ever see any such occurrence in connexion with Isaacs?

Answer. I never saw any money pass. I have observed that he was very officious with this baggage that was landed low down on the dock. I have seen him rip open the canvas covers, cut the cords, leaving the box exposed, and then pass it without opening it. When I have been examining baggage in the neighborhood of these men, they being some distance below me, I have frequently noticed the ripping off of this covering of baggage, and the cutting of the ropes, and then the marking of it by these men. I do not know that I have seen Graham do it, but I have seen Archer, Isaacs, and Lowber do it. I think Lowber is as bold as any of them, but not quite so shrewd or secretive.

Question. Does the placing of this baggage lower down on the dock remove it from the observation of Mr. Van Buskirk?

Answer. Yes, sir; and from that of other officers. It always appeared to me as though they had had conversation with the owners of it before they left the boat, and it was through the interference or arrangement of these men that the baggage was landed down there; otherwise I do not see how it happens that so much of the baggage they pass is landed down at the lower end of the dock.

Question. Is the baggage landed where the passengers desire it?

Answer. Yes, sir.

Question. How do the passengers know that is the favorite location?

Answer. I do not know, unless it is suggested to them.

Question. From whom would such a suggestion emanate?

Answer. I should think from the parties who were going to pass the baggage.

Question. Do these parties, Isaacs, Archer, and the others, board these vessels down the bay?

Answer. Yes, sir.

Question. Are they under orders to do so, or is it voluntary on their part?

Answer. I suppose it was in pursuance of an arrangement made by the surveyor. It was practiced while Mr. Hart was in office, and it is continued.

By Mr. Rollins :

Question. What inspectors are in the habit of going down?

Answer. This "flying artillery" always.

Question. Who compose it?

Answer. Formerly it was composed of Brown, Isaacs, Archer, and Graham. Brown is acting in a different capacity now, and Mr. Lowber is in the ring.

Question. Do these four men pass a large portion of the baggage?

Answer. They pass a pretty large proportion for four officers, when there are as many frequently as ten or fifteen others. When Van Burkirk has them to spare, he will take as many as fifteen for the purpose of discharging passengers. It is often that passengers stand in a line of twenty awaiting their turn, because there are not officers enough to do the business rapidly. Sometimes an inspector will get one trunk and sometimes twenty (if there is a family) to examine, and not unfrequently he consumes considerable time examining two or three trunks, if he has any suspicions of the party, and is disposed to do his duty. If, on examination, he finds anything in the first trunk of a passenger, he will examine them all thoroughly, if he intends to do his duty.

Question. Is there any particular reason why these four officers should go down the bay to board these vessels, which does not exist in the case of the other inspectors?

Answer. I suppose I know what it is done for. It was supposed that by

having certain men appointed to attend to that business, they would obtain knowledge of the men on board the steamers, and know who to look after. But that business should be done by reliable men—men whom you and I could trust with our business.

Question. Other inspectors do not go down ?

Answer. No, sir. There are two men assigned to a ship. One usually goes out on a tug from the dock, and stops on board until relieved by another officer. The other one stays on the dock, and generally gives certificates for such goods as are sent to the public stores. More or less baggage has always to be sent to the public store. It is not an uncommon thing to get five or six hundred dollars duties out of the baggage of one ship. That shows that more or less goods are coming in all the time in that way. From the last ship I examined I collected, with the appraiser and another man, about three hundred dollars after Mr. Van Buskirk had left to go up to the Hoboken dock, and they were pretty nearly through examining the baggage when he left.

Question. Do Isaacs & Co. generally examine their baggage separately from the baggage examined by other inspectors ?

Answer. Sometimes they are contiguous to the other inspectors, but a good deal of baggage is landed at the lower end of the dock, and examined by them only. I have known an instance of an officer, who had a declaration, going down there and finding the baggage already passed and marked. Even the owner did not know it.

Question. Is there anything else you can tell this committee which will subserve the public interest ?

Answer. I do not know as there is. As a general thing, the officers I have become acquainted with under this administration are competent officers.

NEW YORK, *September 27, 1864.*

ANDREW R. TROTTER, a witness, being duly sworn, testified as follows :

By Mr. Rollins:

Question. Are you connected with the revenue service ?

Answer. Yes, sir.

Question. At the barge office ?

Answer. Yes, sir.

Question. In what capacity ?

Answer. I am the boarding officer of the port.

Question. Are you the deputy under Mr. Van Buskirk ?

Answer. Yes, sir.

Question. What rule is observed at the barge office in detailing officers for duty ?

Answer. There is a book kept at the barge office wherein the officers enter their names whenever they return from a vessel, and as vessels arrive the officers are selected from the list in that book and sent to take charge of them according to the capacity, as near as we can judge, of the officers, to the cargo the ship is likely to have. In most cases we do not know, except by guess, where a vessel is from, or of what the cargo consists. When we do know we look over the list and select the officers we think the most capable for that vessel.

Question. Who makes the selection ?

Answer. Previous to four or five years ago the boarding officer did it entirely. Within the last four or five years Mr. Van Buskirk, the outdoor assistant of the surveyor, as he was called, has made nearly or quite all the assignments. When I was selected from the inspectors by the surveyor to take the position of boarding officer, Mr. Van Buskirk, after a few months, gradually allowed me to make nearly all the assignments except to the steamers.

Question. How long have you been connected with the custom-house?

Answer. Since the commencement of this administration.

Question. You say Mr. Van Buskirk makes the details for the steamers. What steamers do you refer to?

Answer. All the steamers coming into port.

Question. Is not that a more desirable detail than any other?

Answer. I suppose the officers generally so consider it.

Question. Are not these steamers pretty generally given to one class or set of officers?

Answer. I cannot say that they are.

Question. Cannot you name certain officers who are on board nearly every steamer that comes into port?

Answer. I could name a certain number of officers who, for their superior abilities, are assigned to the best vessels.

Question. Who are they?

Answer. I should say Mr. W. B. Smith, Mr. Couch, Mr. Kelley, Mr. Drummond, Mr. Crain, Mr. Russell, and a number of others. I could easily select them all if I had a list before me.

Question. Have you special aids of the revenue under your charge?

Answer. Yes, sir, and many of them are down there, but some of them are detailed for duty at the custom-house, and do not report at the barge office at all.

Question. Some of them report to you?

Answer. Yes, sir, quite a number of them.

Question. In making the details in your department you only have reference to the fitness of the officers to the duty to be performed?

Answer. That is the only consideration that ever governs me.

Question. Do any other considerations enter into the detail of men for the steamers?

Answer. Not that I am aware of. Mr. Van Buskirk, as a general thing, makes those assignments. I generally make him up a list on Friday or Saturday morning of the steamers due the following week, and he usually selects, before the steamers arrive, the officers whom he wishes to take charge of them.

Question. Do your duties confine you to the barge office?

Answer. Pretty much all the time.

Question. Do you go on the steamers yourself?

Answer. Only occasionally.

Question. Is not your whole office under the control of the surveyor?

Answer. Yes, sir. My duties are, in fact, the immediate link of connexion between the surveyor's and the collector's departments. My duties are to board all vessels that arrive, to procure their papers, certify them, to deliver them to the collector, &c.

Question. It is suggested that baggage is sometimes passed improperly for a consideration in money or its equivalent; have any such cases ever been brought to your attention?

Answer. I have heard a great deal of talk among the officers about it, but pay very little attention to what they say in regard to that. I think very likely it is sometimes done.

Question. Have you ever known of any such instances?

Answer. I cannot say that I have positively known of any instances of that kind. I have very often seen baggage passed which had not been properly examined, or examined in such a way as I think a sworn officer of the government ought to examine it.

Question. By what officers?

Answer. I do not know that I can mention any officer's name particularly. When the baggage arrives at the barge office dock, if I am not engaged at my desk, I frequently take a walk on the stoop or sit down and look at the officers

engaged in examining baggage. If there are but few officers there, I sometimes go down myself and help. I am not required to do it, but I do it in order to help along.

Question. Can you not recollect what officers have passed baggage improperly?

Answer. I do not know that I can, because it has become so common a thing that I do not charge my mind with it. I have seen the surveyor's staff do it frequently.

Question. Who are they—Brown, Isaacs, Archer & Co.?

Answer. Yes, sir.

Question. The manner in which they passed baggage often attracted your attention?

Answer. Yes, sir.

Question. What have you observed peculiar about them?

Answer. I have observed that passengers, on arriving, go immediately to them, as if they wanted them. I have been frequently asked by passengers who ran in in a great hurry, where Isaacs or Archer was, as they were very anxious to see them. I have seen them frequently go out together, and have seen baggage passed without any examination whatever.

Question. Is that a matter of frequent occurrence?

Answer. Yes, sir.

Question. Have you ever known of any consideration being given by passengers for the passing of baggage?

Answer. I have never seen any consideration actually pass.

Question. What do you think about its being done?

Answer. I have not the slightest doubt about it.

Question. Have you ever known of goods being improperly passed by any officers?

Answer. On the arrival of a steamer last week a large case was passed by Mr. Archer without examination. I inquired of the owner the contents, and was told that they were wood ornamental interior decorations for a new yacht. I called the attention of Mr. Van Buskirk to the fact, and he agreed with me that it was wrong to pass it; but that it was beyond his control, as it certainly was beyond mine.

Question. Why was not that case subject to his control, as well as any other package on board the steamer?

Answer. Simply because it is considered that the check of Brown, Isaacs, or Graham is beyond his control.

Question. Had there been any examination of that case?

Answer. No, sir; it had not been opened at all. It was a large case, eight feet high, by two feet square, I should say. It was the immense size of the case that attracted my attention.

Question. And it was marked as passed by Mr. Archer without examination?

Answer. Yes, sir; the initials "J. B. A." were upon the case, and I supposed of course that that meant passed by Mr. Archer.

Question. Was any further action taken in the matter?

Answer. No, sir.

Question. Was there any means of knowing what the value of the merchandise was?

Answer. None at all. I only judged that it contained interior decorations for a new yacht, from what the man told me.

Question. Are such articles required to pay duty?

Answer. I presume the goods are dutiable.

Question. Do you know of any other similar instances?

Answer. Not positively. I remembered this because it occurred so recently. But I have seen those men do as I have told you. There is a man by the name of Captain Lowber, who has recently come down to the barge office with

this staff of the surveyor, but I do not know whether he belongs to the staff or not. I asked Mr. Van Buskirk that day whether he belonged to the staff, and he said he did not know. I told him if I were in his place I should find out before I would allow him to do as they did. I have often seen this Lowber do the same thing—that is, pass baggage without examination.

Question. How long has he occupied that position?

Answer. He was formerly an inspector, detailed to the revenue cutter Wynance, but some months ago, probably six or eight, the government furnished another boat, called the Bronx, commanded by a revenue captain, and that threw Lowber out of the service, so far as the boat was concerned. He was still an inspector, but he has not done anything since except to come down to the barge office, as I have told you.

Question. Can you give us any other instances of the improper discharge of duty in the direction in which this examination has tended?

Answer. I do not know as I can.

By Mr. Hulburd :

Question. Has Mr. Van Buskirk two sons connected with his office?

Answer. Yes, sir.

Question. Are they there on duty regularly?

Answer. One is, and the other is not there always.

Question. Is he not sometimes absent a week, or two weeks, or a month?

Answer. I have known him to be absent as long as that. However, there is an erroneous impression on the minds of a good many officers down there, who have a very foolish and unjust prejudice against Mr. Van Buskirk and his two sons, which, I confess, I have not. There was a gentleman before you yesterday who testified, I understand, that I had said, but a few minutes previous to his coming here, that one of Van Buskirk's sons had not been there for two weeks. I have no recollection of saying any such thing. The officers in the department often ask me a great many questions, which I answer to suit myself. I think this man may have remarked to me yesterday, when coming from dinner, that Joe—one of the sons—had not been there for two or three weeks, and I may have replied in the affirmative; but I never said anything of that kind for the purpose of casting a reflection upon Mr. Van Buskirk or his two sons. Mr. Van Buskirk is a very old servant of the government. He has been in its employ for forty or fifty years, and every collector and surveyor who has come in during that time has held him in very high estimation. Some years ago an offer was made to increase his salary. That he declined. He is an eccentric genius, and he declined it positively. They then made him several other offers, all of which he declined. I think he was offered a deputy surveyorship, but he preferred to be an inspector, and would not be anything else. I do not recollect under which collector or surveyor it was, but I am confident that some years ago he was offered the appointment of these two sons to be down there with him as messengers, to assist him in any way he thought necessary—as much by way of extra compensation to himself as anything else. And that, I understand, is the arrangement under which those two boys have remained there since. If I were asked if the services of two additional men there were necessary, I should say they were not, but that the services of one is, and the services of another part of the time. This son Joe, who is occasionally absent and occasionally present, is there quite enough to perform all the duties assigned to him—that is, to make up the returns of vessels arriving in ballast, and to post up the old gentleman's books. If Mr. Van Buskirk was twenty years younger he could probably do all that himself. He is an old man, and cannot probably do it now. I have a very high opinion of Mr. Van Buskirk, for I have known him all my life, and believe he is as honest and conscientious a man as ever lived.

By Mr. Rollins :

Question. It is stated that Mr. Van Buskirk frequently receives presents from the inspectors and officers in his department; do you know anything about that?

Answer. It may be so, but I very much doubt it. I do not know whether it is so or not, but still it is very likely that some officers do make the old gentleman presents, without any thought of receiving favors in return. I know that many officers who live in the country occasionally bring him in baskets of grapes, and I know that many who have done so have never received any favors, and have never been put on duty above their abilities. In my opinion, the assignments of officers are all made with strict regard to the abilities of the officers to take charge of the cargo of the vessel. If some officer should make Mr. Van Buskirk a very nice present, it might please him, and he might desire to return the favor. I do not see anything unnatural in that; but I do not know anything about it.

NEW YORK, *September 29, 1864.*

RICHARD MARVIN, a witness, being duly sworn, testified as follows :

By Mr. Hulburd :

Question. Are you connected with the custom-house?

Answer. Yes, sir.

Question. In what capacity?

Answer. As clerk in the appraiser's department.

Question. How long have you been there?

Answer. Since January, 1862.

Question. Were you connected with the custom-house previous to that?

Answer. No, sir.

Question. What was your business before you were connected with the custom-house?

Answer. I was a practicing lawyer.

Question. Where?

Answer. At Chatham Four Corners, New York.

Question. Can you give the committee any information with reference to stealings, peculations, and frauds against the government in the appraiser's department?

Answer. I will tell you how I came into possession of the information which I have of what transpired there. Mr. Isaac Hunt, Mr. Isaac Phillips, and Mr. John F. Hogeboom, were the three appraisers during the time I speak of. There were numerous complaints made of stealings and peculations in the public stores. I occupied the position of chief clerk, and was something of a friend of Hogeboom. I was in his private office one afternoon when a bill was presented by a merchant of a large amount of goods stolen—some five or six hundred dollars. Mr. Hunt and Mr. Hogeboom were both there. Mr. Hunt remarked that he did not know what would become of us, as they would eventually rob the whole store. I remarked that they could find out those thieves if they would only take the proper course. Mr. Hunt turned around and said, "How will you do it?" I replied, "If you will give me power over the men so that I can manage them, and, if I see fit, change the laborers from one room to another, I can find out." Hogeboom spoke up, "I will give you that power, and you may go on." I went right out and began to make myself familiar with these laborers. It was winter time, and I had stoves in different corners of the building, on which they used to cook coffee. I would go there and drink a cup of coffee with them, and get familiar with certain parties whom I knew to be perfectly straight, and I got their confidence in that way. After obtaining their confidence I went to work in the examiners' room, and ascertained from Mr.

Wood that they had lost some fitch skins. I asked him who helped count those fitch skins, so as to ascertain how many there were. He said Peter Gass, a German, now dismissed, and Mr. Barker, a foreman of the laborers, and recently appointed by Mr. Hunt. I asked him how this German came to help count those skins, as he did not belong on that floor. He said Mr. Barker came up there that morning and asked him if he was short of help. He said he was, as one of his men was sick and could not be there that morning. I asked Wood if Barker knew that this man of his was absent. He said he did not. I also asked him if Barker helped count the skins. He said he did. I then went to Peter Gass and asked him if he knew any good fur manufacturer up town. He said he did, and told me who he was. I then went up to the fur manufacturer he directed me to—clear up beyond the Bowery—and inquired if any furs had been recently left there by Peter Gass. He said there had been. I told him I wanted to look at them. He said that Peter Gass had left ten skins for Mr. Barker, to be made up into a cape and muff; that he had made them up and delivered the cape and muff to Mr. Barker, for which Mr. Barker paid him; that he delivered them to Mr. Barker back of the public stores in New street. I then went to Mr. Barker and got him to write a letter to his wife, which he unwittingly did, to deliver the cape and muff to Peter Gass, as he wanted to see them and get them changed. I got the muff and cape and brought them down to the store and delivered them to Judge Hogeboom. I then took Peter Gass into a room and accused him of helping Mr. Barker steal those skins. He began to cry, and finally owned up and told how it was done.

Question. How did he say it was done?

Answer. He said that Barker told him to go up there and help count the skins; that in counting the skins Barker helped, and took the skins himself from the case and dropped them down behind the case, between that case and another, and that after Wood and the rest got off he took the skins and brought them down into his room and put them into a little closet there. It was either that day or the next Barker came down and counted the skins, and then went on to the liquor floor where Peter was, and began to quarrel with him, accusing him of stealing part of his skins. Another party heard this quarrelling about some fitch skins, or furs.

After getting all these facts I presented them to Hogeboom, requesting him to act on the matter with the appraisers. Before they acted on it, I made up my mind there was more of this stealing, and I fixed myself in my office where I could look through a pane of glass unobserved, and see what was going on in the room adjoining me. In that room were opened and examined damaged dry goods of all descriptions. In there I saw this Peter Gass, a man by the name of Benjamin Cox, a man by the name of Armstrong, and Arthur Dockerty. I left my room for a few moments and went into the damage room, and asked Mr. Hart, the chief of that room, if he had examined certain goods, which I specified. He said he had, and that they were all ready to be closed, and should have been closed up before. I then went back and watched to see how they conducted themselves, and how they would steal. The goods were all laid open in the case, and I noticed they would take out a piece of ladies' dress goods, look it over, count the number of yards in it, and then would leave it and look at something else. They would keep fussing with the goods in that way when they should have been nailed up. If any one came into the room who they thought had no business there, two or three of them would take him out to drink, leaving behind one or two of these men I have mentioned. Two of them would then be alone. One of them would get back of a large bale, the other would get down by the box which was opened, and throw a piece of these dress goods upon the top of that large bale and throw a piece of wrapping paper over it. In a short time they would repeat the operation with some other kind of goods. Soon one of them would go up and give those goods a hit and tumble

them over back of the large bale, and then he would go around, unbutton his pantaloons, wind the goods around his person, dress himself properly again, wrap his overcoat around him, and go out of the back door into New street.

They would also pull gloves out of a pack and put them into their pockets.

After discovering these facts I immediately reported them to the appraisers. Judge Hogeboom immediately sent for the parties I have named, except Barker, and confronted them separately with these charges, and, as I am informed by Judge Hogeboom, they confessed the stealing. Peter Gass and Armstrong were dismissed within a day or two, but Mr. Cox was retained, as I understand, by the request of Mr. Hunt. After these other men were dismissed, Mr. Barker was confronted and accused by Judge Hogeboom of stealing those furs. Judge Hogeboom showed him the proof he had taken in the case, consisting of statements sworn to by those men. Barker denied the taking of the furs; said he had bought them and sent them to the furrier to be made up. In the course of a week after the investigation of his case, Mr. Barker was allowed to resign, but, as I am informed, Judge Hogeboom insisted on his removal.

By Mr. Rollins:

Question. By whom are these laborers appointed?

Answer. At that time they were appointed by the appraisers, and paid by the storekeeper.

Question. How long had these men been employed?

Answer. All, but Mr. Barker, were there when I went there. His foreman had been there but a few weeks when he commenced stealing.

Question. Is Hunt there now?

Answer. No, sir.

Question. How long had he been there?

Answer. He was appointed about the time Judge Hogeboom was. It was in the summer or fall after Mr. Lincoln was inaugurated.

By Mr. Hulburd:

Question. When did Mr. Hunt's connexion with the office cease?

Answer. A month ago last Monday.

Question. Was Mr. Hunt removed, or did he resign?

Answer. He was removed.

Question. For what cause?

Answer. I do not know that I can say.

Question. Were all those who were concerned, so far as you know, in this matter of stealing, removed?

Answer. I think they were with the exception of one, and I do not like to say positively that he ever stole anything, though I had my suspicions of him.

Question. Is he in office still?

Answer. Yes, sir.

Question. Are there any others there who are guilty of peculations, or who, in technical phrase, sample pretty heavily?

Answer. I will answer that by saying, I think that a man by the name of Hood, a watchman of the storekeeper, has been guilty of peculation recently.

Question. State the circumstance to which you refer?

Answer. This Hood was appointed during the administration of Hunt, Phillips, and Luddington. He has been appointed within the last three or four months. He is a watchman, and wanders all over the building. Some two weeks since he came down to the storekeeper and made complaint that a lot of plug tobacco was lying open and was exposed very much; and that it was a great piece of carelessness on the part of Graham, the examiner of tobacco, to leave it so. The same day a complaint was entered against this Hood for taking some of this tobacco. Hood was brought up on the charge before the

storekeeper and suspended. The next day he had a hearing before the collector, and on account of his previous good character he was reinstated.

Question. How long ago was this?

Answer. A week or ten days ago.

Question. Was he reinstated by Mr. Draper?

Answer. Yes, sir; but I suppose he was reinstated, more than anything else, because the proof was not as strong as it should be, as this Dockerty, one of the thieves I have mentioned, was a witness against him.

Question. Are there any other circumstances connected with Hood that strengthen this conjecture of yours?

Answer. I have understood that Hood, subsequent to the investigation by Draper, admitted that he took the tobacco.

Question. How much did he take?

Answer. I do not know.

Question. Do you know to whom he made the admission?

Answer. I do not, but I can find out.

Question. How many watchmen are there in that building?

Answer. I understand there are seven day watchmen. I do not know how many night watchmen.

Question. What are their duties, and what do they do?

Answer. I never saw them do anything more than travel around the building and into the different examining rooms.

Question. What are they watchers of?

Answer. I suppose the watchmen are put there to see that packages are not taken from the store without proper authority, and that goods are not opened by any one except those who have authority to open them.

Question. Do their duties require them to handle goods?

Answer. Not at all.

Question. Do they handle goods?

Answer. Yes, sir.

Question. In your opinion, what is the tendency of that practice?

Answer. That it gives them the greatest latitude, and places a strong temptation before them to steal.

NEW YORK, *September* 30, 1864.

JOSEPH ROSENTHAL, a witness, being duly sworn, testified as follows :

By Mr. Hulburd :

Question. Where do you reside?

Answer. In New York.

Question. What is your business?

Answer. I am an importing merchant.

Question. How long have you been such?

Answer. For fifteen years.

Question. Do you do your own business at the custom-house?

Answer. No, sir; I have a broker to attend to it.

Question. Do you ever attend to it yourself?

Answer. When my broker does not hurry goods through, I sometimes help a little.

Question. Do you have any difficulty in getting your goods put through as they ought to be?

Answer. A good deal, and we have made a great deal of complaint.

Question. Is there any necessity for that delay, or does it result from carelessness and inattention?

Answer. I think it results from inattention. Sometimes we are delayed four or five weeks, because they cannot find the invoice at the custom-house. I some-

times go with the broker to hunt for the papers. Sometimes, with the help of the clerk, we find the papers, and sometimes we do not.

Question. Have you ever had any conversation with any of the clerks in the custom-house about it?

Answer. I think I have; I have complained about it.

Question. Do you know with whom you have spoken?

Answer. I do not know the names of any of the clerks.

Question. Has a clerk by the name of Edwards been at your store?

Answer. A man came there once—I do not know his name, but I think that is it—to buy some little things for his own use. I was not myself acquainted with the man. He said he had passed some of our entries in the custom-house so and so. I told him it was very hard that we could not get our goods, and I asked him if there was no remedy for it. I also complained to him about some of our goods being stolen out of the cases. That was a frequent occurrence. I think we have lost two or three hundred dollars' worth this season. We have never found any of our goods short except in those cases which were examined in the custom-house. Boxes sometimes came from the appraiser's store marked as coming in bad order, and I think it is surprising that those which do not go to the appraiser's store hardly ever come in bad order. If they do come in bad order the goods are never short, no matter in how bad order they are.

Question. What did Edwards say to that?

Answer. I believe he advised me to go to Collector Barney or some other man, but my broker said it would do no good if I went to him.

Question. Did he claim any privilege of buying goods at a reduced rate on account of his being in the custom-house?

Answer. No, sir; but I charged him wholesale prices only.

Question. Did he ever tell you if you would pay something the goods would be hurried through?

Answer. No, sir, not to my recollection.

Question. Did any clerk ever say that to you?

Answer. No, sir.

Question. Or to your partners?

Answer. No, sir, not to my knowledge. We have made complaint, but I know there is a great deal of business to be done there, and I do not know as we have any just reason for complaint.

NEW YORK, *September 16, 1864.*

JEREMIAH LOTHROP, a witness, sworn and examined.

By the chairman:

Question. You are connected with the custom-house?

Answer. I was first appointed in the naval office in July, 1861. I remained in the naval office until January, 1864, and was then transferred to the custom-house proper.

Question. What bureau or branch?

Answer. I was appointed as chief clerk in the warehouse department. I was connected with the custom-house, and acted as chief of the liquidating department, and on the 1st of August I was appointed deputy naval officer, and the latter part of August I was appointed one of the principal appraisers.

Question. You are now in the appraiser's store?

Answer. I am now one of the principal appraisers, and have been there for the last two weeks, or, I believe, a little more. The most of the time I was in the naval office as clerk. I was liquidating clerk in the naval office.

Question. Will you tell us what the duties of that bureau are?

Answer. In the entry of goods, the invoice is sent to the appraisers, the goods are examined, and they report on the invoice what the goods are; whether sugar,

tea, coffee, molasses, or dry goods ; and if so, they classify them, and they are taken up by the entry clerk at what is supposed to be the rate of duty. After this classification they go into the hands of the liquidating clerk, or the amendment clerk, and he puts upon the entry the correct rate of duty, according to the report of the appraiser. For instance, an article is entered as silk. It is taken up by the entry clerk at the rate of forty per cent. duty, under the old law. The appraiser reports it to be silk under one dollar per square yard, and silk under that pays but thirty per cent. The liquidating clerk strikes out the duty as put on by the entry clerk, and puts on the correct rate of duty. That is the business of the liquidating clerk.

Question. What you term the amendment clerk, or the liquidating clerk, his business is to correct errors that are made in the appraiser's store ; it is to correct errors that are made by the entry clerk, by affixing the rate of tariff to be paid ?

Answer. The entry clerk can only judge of what the goods are by the manner in which they are entered. A man has so many pieces of silk or cotton goods, and cotton goods paying a great variety of duties, the rule is to take up cotton goods at a certain percentage, which will be the highest rate of duty on them, and when they are reported by the appraisers the amendment clerk makes them up at the correct rate of duty. Some goods pay by the square yard, and some *ad valorem*, and the entry clerk cannot tell which they are going to pay until they are reported on ; and the amendment clerk, when that report is made, he having the facts before him, knows what the goods are, and can take them up at the correct rate of duty under the tariff.

Question. From your knowledge obtained in the liquidating, and likewise in the appraiser's room, can you give us the mode of procedure at the appraiser's store in examining these goods, and tell whether it is thoroughly done or not ?

Answer. My opinion would be worth but little on that subject, for I have been only there two weeks ; and during the time I was in the naval office and the collector's office, there were a good many mistakes made in the classification of goods, and as a liquidating clerk I used frequently to take those entries on which I thought there was a mistake, and look over and examine them with the appraiser, or with some of the examiners, and point out to them what I thought was the error. In some instances I was mistaken, and in a great many they were wrong, and altered their classification. From what I learned on that subject during the short time I had been connected with the appraiser's office, I have not yet had occasion to change my opinion. I think the business in the appraiser's office has been done loosely, and in many instances carelessly.

Question. You are connected with it now ; in what capacity ?

Answer. I am now one of the principal appraisers.

Question. What is the mode of appraising goods there ?

Answer. The mode of appraising goods there is this : For instance : A. T. Stewart makes an entry of goods of perhaps 50 boxes of different kinds of goods, and the deputy collector orders one in every ten to be examined—those are ordered at the appraiser's stores—one in ten of the invoice, or about that proportion. Those goods are taken into the inner office of the appraiser's store, the boxes opened, the goods examined, and an account taken to see if the quantity in the boxes agree with the invoice. They have to enter on the invoice what the boxes contain.

Question. The contents of the boxes are all turned out ?

Answer. Yes, sir ; they are all taken out and put on a table with their dry goods, and they are examined, in the first place, to see if there is the quantity in the box according to the invoice. If that is found correct, men who are supposed to be expert in that matter examine them as to their relative value with other importations ; and if the price is correct, if they find the price to be correct, they then take the invoice to classify it. Generally they use red ink in classifying on the invoice, so as to make it distinct from the original entry, and they

put on the invoice what the goods are. If they are goods that pay duty by the yard, they put on the width, the number of inches they are wide, and, of course, the invoice tells the number of running yards; and if it is a French invoice it comes in metres, and if from Germany it comes in ells, and all those have to be reported on by the liquidating clerk, and he, calculating by the width, has to calculate the number of square yards on the entry. If it is silk, that has to be gone through to ascertain if it has to pay thirty or forty per cent., but at present all silks pay sixty per cent.

Question. If this method is pursued thoroughly, how can there be any mistake made as to the contents of those cases which are opened?

Answer. There ought not to be any mistake, but I have been in the appraiser's office long enough to learn that there are undoubtedly frequent mistakes made in putting up goods abroad; that packages that were entered to be put in are sometimes not put in, and in other cases more are put in than appears upon the invoice; and it is undoubtedly the fact that a great many of those boxes have the appearance of having been opened after they left the manufacturers.

Question. Here is a case of surgical instruments reported as such, and the report of the appraiser tells of ninety dozen of soap instead of instruments, and no soap in the cargo. How could that occur?

Answer. Only by gross carelessness, in my opinion. I recollect one invoice that came to me, as liquidating clerk, which was reported as tar. The invoice came from Sweden, and not understanding the language of Sweden I got a man that understood it, and he told me that the invoice was for unwrought clay; and on carrying it back to the appraiser to ask what it meant, the explanation given was, that the man, in classifying, had several invoices; that he had one of unwrought clay and one of tar, and he took the one that should have been clay and wrote on it tar, by mistake; not being able himself to read the language he mistook the invoice, and therefore reported wrong in consequence of that mistake. I mention that; but, of course, it was somewhat careless in him.

Question. Here is another one: a case of toys is reported from the appraiser's store as buttons. How could that be, if that case was examined?

Answer. It might possibly arise in the same way. A man might be examining two cases. It is frequently the case that the examiner examines half a dozen cases, sometimes fifteen or twenty, and takes the invoices to report upon, and by haste or carelessness he, having both toys and buttons, reported the toys upon the button invoice, and the buttons, perhaps, upon the toy invoice. You will bear in mind that a very large number of those invoices come in French, Spanish, Italian, German, and all the various languages of Europe, and a very large number of the examiners cannot read the languages, and under those circumstances may get the invoices confounded and mistake one for the other. I can only account for such a mistake as that occurring in that way.

Question. There is another case. The entry was six gallons of dried fruit, invoiced *suisse kerschen*.

Answer. The same explanation. I mention the instance of tar and unwrought clay, to show that there might be no motive for a mistake of that description.

Question. We want to know if the government suffers in consequence, not

Answer. From facts which I saw while I was connected with the custom-house, I became satisfied that there was a great want of system in the appraiser's office. There were then three general appraisers or principal appraisers. There was no division of labor; they were each one of them heads; there was no division or distribution of the labor, and not a proper division and distribution of labor, according to what I saw among the examiners, assistant examiners, and clerks, but it was every one's business to do everything, and the business was a good deal mixed up. Merchants who were pressing to

get their invoices through got them through; but a good many matters, where they were not personally present to attend to them, were neglected. The confusion of changing men from one thing to another led to a good many of those errors. Since I went into the department we have introduced a system of division of labor, so that we now know whenever an article comes whose province it belongs to, and we are endeavoring to correct those former errors. I have been there too short a time to know whether we are likely to be successful or not. There has been another difficulty: in the present state of affairs the salaries in the appraiser's office have been too low to command the services of a class of men who are competent to do that duty. We have recently made an application to the Secretary of the Treasury to increase the salaries, and I believe the efficiency of the office would be very much improved by that. I think we have too low a grade of men as examiners and appraisers; but, perhaps, they were the best men that could be got there for the amount the government pays. Men that are fit for examiners, or for assistant appraisers in that office, can get much higher salaries from the merchants.

Question. In other words, you want a man there who understands the goods practically, and that would be fit to be a first-class clerk in a large wholesale house?

Answer. Yes, sir; we want such men as Mr. A. T. Stewart, or that class of men, would send abroad to purchase goods for them. We want a man who, when he looks at a piece of cloth, can tell whether there is any cotton or shoddy in it, and when he looks at a piece of silk can determine what material it is composed of, and who knows whether it is manufactured in a proper way, and who has kept himself posted in regard to foreign languages, for we have to estimate the value of those goods where they are bought, and not what they are worth here. Therefore, they must be men who are sufficiently acquainted with foreign business to know foreign goods always. Such men cannot be procured for \$1,200 or \$1,500 a year, and we have to take the best men we can get at those salaries.

Question. State the usages of the liquidating bureau and the practices there, in your knowledge, which need to be exposed?

Answer. I don't know any that exist there now. I was satisfied, when connected with the office, that there were some abuses there; that there were men who were liquidating clerks that liquidated the entries for particular parties when they received pay from them, but I believe most of those clerks, if not all, have been discharged from the office.

Question. How could that be done?

Answer. It was the easiest thing in the world.

Question. Do you mean that they gave the preference to others for a consideration?

Answer. Yes, sir.

Question. Are not the men in office there now exposed to like temptations and opportunities.

Answer. Undoubtedly.

Question. Can you suggest any remedy for that?

Answer. The remedy is always in the hands of the head of the department, if he will do his duty.

Question. Do you mean the collector, or the head of that bureau?

Answer. I mean the head of that bureau.

Question. Who is the head?

Answer. They are divided. Mr. Stedwell is the head of the warehouse department. He deputises, generally, some one man, who is at the head of what is called the liquidating department. The head of that department always has it in his power to have those liquidations taken up in the regular order, and if his clerk does not take them up in regular order he is very likely to know it.

Question. Will that afford an adequate remedy and restraint upon those preferences for a consideration?

Answer. Yes, sir; certainly. You don't want any other remedy but to have good men at the head of each department. I had some reason to believe that something of that sort was practiced in the warehouse department of the naval office. When I went in there I stopped it at once. That was in regard to withdrawal entries. There was a great press on the office to withdraw goods; merchants were very anxious to get them out, and I had reason to believe that some of the withdrawal clerks were receiving those withdrawal entries and putting them through out of their regular turn, and I at once adopted a rule that each withdrawal entry should be handed to me, as deputy naval officer, and I made a clerk put the date on it when I received it, and I put it into the hands of the withdrawal clerks and required them to put everything through the day on which it came in, if possible; but if not, that all that laid over at night should be entered upon the books and the proper papers made out, in order that the withdrawals could be made out; that each day's work should be kept separate. I found no difficulty in stopping the abuse, if there had been one. Mr. Hutton complained that his withdrawal entries were detained sometimes four or five days, while other men could come in and get them passed through in half an hour; but adopting that rule stopped it at once, as far as that department was concerned. I think that almost any of the abuses in the custom-house, which I would regard as minor abuses, could very easily be corrected by a little energy on the part of what we term the head of the bureau. If the collector and the naval officer would put competent men at the head of the bureau, who would see that the clerks did their duty, all those kinds of complaints could be remedied at once. I think there is, in point of numbers, an abundant number of clerks in any one of the departments with which I have been connected to do the business, provided they are properly attended to.

Question. Are there any other suggestions you can give us?

Answer. While in the custom-house, or rather in the naval office, from some information which I received from storekeepers and others, I had reason to believe that there was very gross carelessness in regard to the damage department. Goods come here that are damaged, and an application is made through the collector, and it goes into the hands of appraisers, and certain men are appointed who estimate the damage. The regulations are very definite in regard to the course to be pursued, and from some observation I was satisfied that those regulations were not at all regarded. For instance, a merchant imports perhaps 20,000 boxes of tea, and some portion of the boxes on the voyage—boxes that were near the outside of the ship or under the hatchway—would become dampened by the water, and the boxes or matting would become stained. The tea, being contained in the box, and covered with sheet lead, the water would not reach it, but the outside of the box—the matting—would be a little stained. A system grew up among those damaged appraisers, without boring into the box, to ascertain whether the tea was damaged, of allowing damages, from 7½ per cent. up to 50 per cent. In a number of instances that I investigated I found the tea was not damaged, that the damage was in the box—the box perhaps a little broken; and I became satisfied that the government was suffering a good deal from that loose manner of doing business. I reported the fact to the naval officer, and he called attention to it, as I have reason to believe. Such orders were received before I went into the appraiser's department, and that matter has been to a very considerable measure remedied; but since I have been in the appraiser's office I have reason to know that there is a good deal of looseness in that branch of the service, which requires still further correction; and if it is not corrected the blame will rest upon me somewhat hereafter, for they have put me in charge of that division of labor.

By Mr. Rollins :

Question. Do you know anything you can call our attention to, or any particular instance, where this wrong has been practiced by the appraisers in the case of damaged goods?

Answer. I cannot now give you the name of the party who imported the goods; I can give you the names of the appraisers, if you want them. I investigated a matter of about 700 boxes of preserved ginger. The outside of the boxes had been wet with salt water. I was not present when the examination was made. The matter came up before me as liquidating clerk, and they had allowed, I think, $33\frac{1}{3}$ per cent. damage, which I thought was a very heavy damage to allow on such an article, for I knew it was very hard to get water into ginger. The ginger was in jars, six jars in a box. I went to the store, and, as the storekeeper informed me, the damage appraisers came there, (Mr. Wells and Mr. Hart,) and they examined the ginger, and the storekeeper informed me that they opened one box. He showed me the box that was opened. The cover was off; and, in looking into the box, I found they had opened one jar of the ginger. I tasted of the sirup of the ginger, and to my surprise it was as perfect as ever it was—that is, the ginger was. He told me that was the only examination those appraisers made of the ginger, and, upon that examination, they allowed $33\frac{1}{3}$ per cent. damage on the whole amount of 700 boxes. The outside of the boxes, from appearance, evidently had been wet; but no other examination was made and no other box opened.

Question. When did this occur?

Answer. I should think this was about two years ago; it was some time during my connexion with the naval office.

Question. Are those men still in the employ of the government?

Answer. They are still damage appraisers.

Question. Was there no step taken to correct that error?

Answer. I don't know whether there was or not. I won't be positive whether I mentioned that circumstance to Mr. Denison or not, but I did to Mr. Franklin, the deputy naval officer at that time, and it was in consequence of two or three cases of that sort that Mr. Denison called the attention of the collector and appraisers to those things. I was then a clerk under him. He called their attention to the matter, and I think he told me he called the attention of the Secretary of the Treasury to the matter.

Question. How is it in the matter of coffee? Have you ever noticed any wrong practices in the appraisement of damages?

Answer. There were several instances where I looked at coffee. I looked at some, I remember, in Broad street, where the appraiser had allowed 15 per cent. damage. In looking at the coffee I could not perceive that there was much damage to it; there was a very slight smell of must, which coffee will get when in packages, but I could not see the slightest indication that the coffee had been wet with salt water, or in any way damaged, for the color of the coffee was as perfect as we ever see it.

Question. How much was there of this coffee?

Answer. My impression is that there were some 4,000 bags.

Question. When was it imported?—when did this occur?

Answer. I think that was in December, 1862.

Question. And the same appraisers?

Answer. Mr. Wells and Mr. Hart, at that time, did a very large portion of the appraisement. There was one of them at least there; there were other men who, at that time, occasionally acted as appraisers, and I am uncertain whether they both (Wells and Hart) acted in the case of the coffee. In several cases where I examined tea, where this sort of examination was made, Wells and Hart were the appraisers.

Question. How many men are there that acted in that capacity?

Answer. There are now five damage appraisers.

Question. Who are they?

Answer. There is Mr. Hart, (I don't remember his first name,) Mr. Wells, Mr. Van Allen, Mr. Goddard, and Mr. Richardson.

Question. Who assigns them their duties?

Answer. Since this matter has been taken in hand by the Secretary of the Treasury, Mr. Dorance, who is one of the principal appraisers, has been specially directed to take charge of the damage department.

Question. Please explain the process.

Answer. If Mr. A. A. Low & Co. import a cargo of tea, they direct their porter to select every box which has the appearance of being damaged. He picks them out on the dock. When it is sent to the store it is kept separate as a general matter from the other tea. He makes an application to one of the deputy collectors. Now that application has to be made under oath; formerly it had not. Since I raised this question in regard to damage there has been a change, and Mr. Hanscom has aided me in that. Now the owner is required to make oath that he has personally examined the goods, and that he found so many boxes damaged. Upon that oath the deputy collector issues an order that that tea shall be examined, and that order goes to the damage appraisers, and of course they have that order, and they know who appraised the damage. That sets forth what vessel the tea is imported in, and where the tea is, what store it is in, and all the particulars necessary for him to know in order to find it. The examinations are generally made in the warehouse, in the presence of some interested party, who goes with the damage appraisers to point out the goods he claims damage on.

Question. You say it is the custom now to make these examinations only when the owner makes oath?

Answer. They don't issue the order unless the owner makes oath.

Question. Was it formerly the custom to make these examinations without oath?

Answer. Well, it has been only within the last eighteen months that that oath has been required.

Question. What steps were necessary under the former plan?

Answer. The merchant merely applied for damage.

Question. And it was not necessary for him to state whether there was in reality any damage or not?

Answer. He did not have to make oath whether there was or not.

Question. And he could try the experiment of getting damage on any quantity of merchandise?

Answer. Yes, sir. In regard to this matter of the oath, one reason for adopting it was, that we found in the custom-house that the men who keep the bonded warehouses would apply for the damage, and not the merchant himself. In one instance it came out that the man who kept the bonded warehouse would make the application for the damage, and that he had a machine (this was in coffee particularly) something like a winnowing machine, by which they winnow wheat, through which he ran the coffee; running it through that machine would take out any little dust that was in it and any defective coffee, and would free it from this musty smell; then it would be put in bags and would appear very much better. We found that an arrangement was made between the man who kept the bonded warehouse and the merchant; that he (the man who kept the bonded warehouse) would go through this process for what he could get from the government for damage. He applied for the damage, and whatever damage the government allowed he got it; it did not go to the merchant, but he put the coffee in order for the damages. He made the application, and not the merchant.

Question. Who was that party?

Answer. The case that came under my observation was, I think, at No. 9 Broad street. I don't remember the parties who had the lease of the building. The buildings have since been sold and were torn down, and they are now putting up a building for the board of brokers; they are not now used for public stores. I can ascertain the names of the parties. It was in consequence of that abuse and some others that were discovered that this system was adopted, of compelling the owner to make application under oath that he had seen the goods, and that they were damaged.

Question. The custom-house brokers transacted a good deal of business with the officers of the custom-house?

Answer. Yes, sir, a very large amount.

Question. State what you know of the transaction of business with the custom-house brokers, in this particular department?

Answer. I think the custom-house brokers are allowed to handle the papers altogether too much in the custom-house. They are allowed access to papers. It is contrary to the rules of the office to do so, but it is a rule that has not been enforced, in my opinion, as it should be—that is, it has not been heretofore. But a broker may be in a great hurry to get an entry through, and he is allowed to take the invoice in some instances or in all. We have stopped that, as far as the appraisers are concerned, but he would be allowed to take an invoice from the appraiser's store, and the amending clerk could not liquidate until he gets the invoice, and it has been classified. He can examine the appraiser's classification, and if he is not satisfied with it he will get an order from some deputy collector to have it referred back. It is the rule not to recognize a classification, unless it is done at the request of a deputy collector. If the deputy collector requests it to be examined, the broker then states his reason why it should be unclassified—that he has made a mistake, or that he has got it at too high a rate of duty. If he don't succeed in getting it altered, it is put into the hands of the liquidating clerk, and it is liquidated according to the examination. But there are a good many instances where the examiner makes a mistake, and that application is very properly made; but there is a good deal of annoyance in the office in consequence of having such things done. It is a cheap way of trying an experiment to get the rate cut down.

Question. Don't you know of any instances where this clerk has signified or granted an amendment of the duty on the mere statement of the broker that there was a mistake?

Answer. I have never known any instance of that sort in my experience, but I have heard of such cases, if I am allowed to state hearsay.

Question. The brokers have access to papers, in your judgment, altogether too much. Do they not secure information which is valuable for them, and not for the interest of the government, that they should have?

Answer. Undoubtedly. We are trying now to correct an error in the appraiser's office. The moment goods are examined, if upon examination the appraiser thinks they are undervalued, in some way that information almost immediately gets into the hands of the brokers, and the brokers know it before we can report the fact to the custom-house invariably; we find very great difficulty in preventing their getting the information. It is valuable to the importer, for it puts him immediately upon his guard. If the goods are rated above 20 per cent. they are forfeited.

NEW YORK, *September* 19, 1864.

JEREMIAH LOTHROP recalled.

By Mr. Hulburd:

Question. At the close of your former examination you stated, immediately

after the appraisement of the goods, if they had been undervalued that fact in some way got to the knowledge of the brokers. Do you know how that could be?

Answer. Under present arrangements in the examining store there are necessarily a large number of examiners, clerks, and laborers in the examining room, and they can mark the progress and result of the examination. It is generally a matter of conversation in that room. When an examiner looks at the prices of goods and thinks they are undervalued, he calls in some others who are experts, to see whether they confirm his judgment or not. It naturally leads to conversation which most likely would be heard by a dozen individuals perhaps, some of them messengers, some laborers, and some assistant appraisers and examiners. From some one of these parties that information must get out, as outsiders are not allowed in the room. Under the present regulation, the laborers there employed are employed by the collector. The assistant appraisers are appointed by the Secretary of the Treasury. The examiners and clerks are appointed by the appraisers. The appraisers are appointed by the President. I should rather say the examiners and clerks are nominated by us; we recommend a man, whose name is sent to the Secretary of the Treasury, and the appointment is made if he approve the recommendation.

Question. In case the goods are undervalued 20 per cent. by the importer are they forfeited?

Answer. Yes, sir.

Question. You say it is a benefit to the importer to get early information that they consider the goods undervalued?

Answer. Yes, sir; if he gets early notice of the fact he prepares an answer for it. Of course that knowledge would come to him in the course of time through the custom-house, as he has a right to appeal from the decision of the examiners. When he appeals a merchant appraiser and a general appraiser appraise the goods, and it is necessary that that appraisal should confirm the appraisal of the examiners. If they do not raise the goods above 20 per cent. they are not forfeited. The earlier he gets information that his goods have been reported for undervaluation the better it is for him, because it enables him to prepare for the re-examination.

Question. Can you make any suggestion as to the mode of correcting this loose manner of doing business there and allowing the merchant to get this information before it comes to him through the regular channel of the custom-house?

Answer. I cannot, unless it be by a more rigid discipline in our office and impressing upon our men the importance of not giving any information. In most instances probably this information is of no value, sometimes it is of value; for instance, when we find more goods in a box than appear on invoice, and a merchant finds it out in advance, he may come prepared with some answer to explain the fact, which explanation he might not be able to make if he were taken by surprise. In some instances we have reason to believe that more goods are put into a box than appear on the invoice by mere accident. In other cases we are satisfied that it is done intentionally, thinking, perhaps, that the box will not be critically examined, or not examined at all. When this is detected, and a merchant gets notice of it before we give him notice of it regularly, he is better prepared to give an explanation of the fact than he otherwise would be.

NEW YORK, *September 21, 1864.*

OLIVER B. DORRANCE, a witness, being duly sworn, testified as follows:

By Mr. Hulburd:

Question. Are you in the appraiser's store in the custom-house?

Answer. I have an office in the public stores.

Question. Are you not one of the officers connected with that department?

Answer. No, sir.

Question. What is your business?

Answer. I am the general appraiser for the New England States. There are four of them appointed under the law of 1851. In the law they are termed United States appraisers, but in the regulations regulating the duties of those appraisers they are termed, for distinction sake, "general appraisers," or "appraisers at large." These officers hear cases of appeal between the government and the importer, where there is a difference in regard to the invoices, and upon that point instructions have been given us from time to time, which instructions become part of the law, under the law of 1851. Nearly two years ago I was removed from Boston to this place. When a merchant brings in his invoice of goods, he marks what he enters them at, and then the goods go to the appraisers. If the appraisers, having reliable information, say the goods are worth more than the invoice price, they add that increased value to the goods; and if it is, for instance, ten per cent., the owner must of course pay ten per cent. more. The merchant may say that he bought the goods at the price he named, that it is a fair price, and that he could have bought more at the same rate, and therefore he avails himself of the law, which gives him the right of appeal to the general appraiser. The papers are then placed in the hands of the general appraiser. A letter comes from the collector stating that such a merchant has appealed. The collector has then the right of naming a merchant who is well skilled in his business, and acquainted with the merchandise in question. We then go on and examine the goods and make our report. If we do not agree, and the merchant takes one view of the subject, and the general appraiser another, they make separate reports. These are transmitted to the collector, and he decides to take one or the other report. From that there is no appeal. The moment the merchant takes that appeal he gives up any right he may have in court. Immediately after I came here I had one case where the penalty and increased rate of duty amounted to \$40,000. It came from a French house which was sending their goods here. Mr. Stewart and other houses were importing the same description of goods. The experts, counting the threads, and examining the quality of the goods, were able to come to the exact value of those goods, based upon the foreign market value as purchased by Stewart and others. It is conceded that Stewart buys at the lowest market price, as he has agents in all the principal manufacturing places in Europe. We sustained the appraiser in that case, and the goods were marked up about twenty-nine per cent.

By Mr. Rollins:

Question. What was the penalty in that case?

Answer. It was twenty per cent. The twenty per cent. is the penalty to be paid to the government if the value of the goods is raised ten per cent. or above.

By Mr. Hulburd:

Question. Are there, to your knowledge, any abuses in the public stores which this committee ought to inquire into?

Answer. There is no reason why the general appraiser might not, if he has time, according to the instruction he has got, supervise in a great measure the duties of that establishment; but there is nothing in the law giving any such power. There is and always has been a jealousy existing between the appraisers and the general appraisers.

Question. Can you make any suggestions to the committee which would be of service to them in investigating the matters of that department?

Answer. I have very strong impressions in reference to the matter. Considering the importance of the appraiser's department, I think it was very poorly

organized, but I think it has improved very much. Congress provides for two new appraisers, and the places have been filled with men of ability.

Question. Is there any opposition there now for collusion between the examiners and importers.

Answer. A great deal of power is given to the examiners. I have always contended that the places should be filled by the best men that could be found in a commercial city like this.

Question. How many examiners are there?

Answer. I do not know exactly, but I think there must be forty.

Question. Are the salaries of all of them the same?

Answer. No, sir. The salaries range from \$1,500 down to \$1,200 and \$1,000. The law gives the right to the appraisers to appoint clerks. The word examiners is not named in the law, but for convenience sake the examiner of merchandise is called an examiner, while the clerk at the desk is called clerk.

Question. On the examiner's judgment, experience, and tact, the whole customs are based, are they not?

Answer. Yes, sir. For instance, a hundred cases of prints come in. They are all invoiced as costing, in Manchester, say ten cents a yard. Those prints pay a square yard duty and an ad valorem duty. Now, according to the law, one out of every ten of these cases must be sent up to the public store for examination. In making that examination, the examiner measures the width, and estimates the number of threads in the square yard, because the duty is based upon the number of threads in the half inch. The examiner makes his return, and when it comes in to the appraiser he merely signs it. It is not to be supposed that the appraiser himself knows anything about it. That report goes to the collector, whence it is sent to the proper bureau in which the duties are estimated upon that report. There was a pretty thorough examination made last year, by Mr. Bailey, of the Treasury Department, into the whole affair.

Question. Is the salary of an examiner sufficient to procure the services of such a class of men as should be employed in such duties.

Answer. I am satisfied it is not. The present compensation is totally inadequate to procure a class of men such as should be employed there.

Question. Is there any other suggestion which you can make for the benefit of the public service?

Answer. I will give you an idea of one branch of the business there, to show how duties are collected. The importation of sugars is tremendous. You would be surprised to see them. The collector said one day, "Here is a small amount of paper, but the duty collected upon these invoices, which I have passed within an hour, is \$350,000," Now look at it; who are the persons who have classified those sugars? Men with large families, who get only nine hundred dollars a year. They go down in the morning and bore the hogsheads and take out samples from this one and that, and bring them up. Now, there are half a dozen places where you can bore a hogshead of sugar, and the quality differs entirely according to the place from which the sugar is taken. The duty is three cents on all under Dutch standard No. 12, and three and a half cents on all over No. 12 and under No. 15. Now, one-half cent a pound amounts to an immense sum on all the sugars imported.

I went to New Haven to see three cargoes of sugar. When I got there they had made the classification, and I wished to see the standards, and compare them with the sugar. I took the samples, and I differed with them. The parties were dissatisfied. I took the samples and brought them up here, and Mr. Phillips sustained my views. It made a difference of half a cent on nearly one half of the invoice,

Question. What is the remedy for that evil?

Answer. I think sugar samplers should be put in as examiners. They ought

not to be these ordinary laborers. I have talked and talked in trying to bring about an improvement. The sugar department is all under Mr. Phillips's supervision, and year in and year out no other one looks into that department.

Question. Do these laborers do anything more than bore the casks and take out the samples of sugar?

Answer. That is all they do; the samples are taken to Phillips, and he decides what the standard is.

Question. Is there not an established practice as to the place where they shall bore the cask to take out the samples?

Answer. They have a rule of their own at each port; and, for the last year, I have been quarrelling on that score with the Philadelphia and Boston people, and have told them their practice was wrong. For instance, here are a hundred hogsheads of sugar, and they will, perhaps, take ten samples indiscriminately; they will bore at about the centre of the cask, which, if you have got to make but one hole, would be right, and get a fair specimen of the whole hogshead. They go on and bore one, and that indicates above twelve standard; they take another, and that indicates about twelve standard; they will take another, and that will indicate fifteen; and then another, and that will be, perhaps, nine standard. Now that last one, out of the four I have named, when all mixed together, will neutralize the whole, and bring them all under twelve standard. That is done, and that is one point I am quarrelling about now.

By Mr. Rollins:

Question. Is the method by which they arrive at the standard a certain one, or does it depend on judgment?

Answer. It depends on judgment; and that is the reason I would make all muscovado sugars pay one duty. But the refiners would kick at that, because they always buy the lower grade of sugars.

Question. Under this mode of proceeding is not the government likely to be robbed of a large amount of money?

Answer. Yes, sir. Here, for instance, is a cargo of six hundred hogsheads of sugar, and, by this average, they get the whole in at three cents duty, and then select out the best and lighter grades, selling the darker ones to the refiners. And again, a man may import five hundred hogsheads, and, by this average, get them all in at three cents duty. He may keep for the New York market the lighter sugars, which should have paid a cent more duty, and export, for instance, to Canada, one hundred and fifty hogsheads of the dark ones, and get the drawback of three cents from the government.

Question. Are you practically acquainted with any other branch of the appraiser's department?

Answer. During the last six months I have been specially instructed by the Treasury Department to supervise the doings of the damage department. The business of that department is very large, and it is committed to five examiners. In my opinion this business is of great importance to the revenue, and requires large commercial experience and sound judgment. It is of great importance to the government, and also to the honorable importer, that the persons employed in estimating the damage occasioned on the voyage should be men of strict integrity, of sound judgment, and great experience. From the experience I have had, in reference to the large amount of damages claimed, I am satisfied that in many instances the examinations have been very slight, and not at all satisfactory to me.

By Mr. Hulburt:

Question. Would you say the examination was too slight, purposely, or negligently?

Answer. Well, it has been done in a loose way.

By Mr. Rollins :

Question. Can you illustrate that by an example ?

Answer. There are many of them, and you have no idea of the labor I have bestowed in the examination of this branch of the business, and the difficulty I have had to get at information from the examiners. There are many men who have been put into places, as a reward for political service, by somebody's influence—places which they never should have been put into. It would be better for the government to pension such men out and out.

I will mention one case which is now before the Secretary of the Treasury. It did not occur at this port. It is a case where a party claimed damages on a lot of molasses. The appraiser gave forty-five per cent. damages for its being wet. That made a deduction of some three thousand gallons on the quantity, and he did not pay any duty on it. That individual sold that lot of molasses to a distiller and deducted six hundred gallons on account of its being wet. The distiller was willing to take it at that discount, because he knew exactly what the molasses was worth. He used up a certain quantity of the molasses, putting it into new rum, and claimed a drawback, and the government paid him more than the importer paid duty to the government. I will hereafter give you the particulars.

I have talked with Judge Hogeboom, the general appraiser for New York, and he agrees with me, that he must have a better class of appraisers in the damage department; and he agreed, if he had not been out of town, to make that suggestion to the Secretary of the Treasury.

NEW YORK, *September 21, 1864.*

ISAAC PHILLIPS, a witness, being duly sworn, testifies as follows,

By Mr. Hulburd:

Question. Are you connected with the custom-house ?

Answer. Yes, sir.

Question. With what department ?

Answer. The appraisers' department.

Question. How long have you been there ?

Answer. Over twenty years.

Question. What are the particular duties devolving upon you ?

Answer. I am one of the principal appraisers.

Question. How long have you been such ?

Answer. Since 1853. I am charged with the general business of appraisal, and matters connected therewith, under the revenue laws.

Question. The committee understand that the fixing the rates at which sugars shall pay duties devolves entirely upon you, or is under your control

Answer. That is true.

Question. Explain to the committee the mode of proceeding by which you do that.

Answer. Every invoice of sugar has upon its face a detail of its description, so far as marks, or numbers, or brands are concerned. These invoices after being entered at the custom-house, and the duty rated there according to the designation of the importer, are transmitted by the collector to the appraisers for their action. These invoices go into the hands of clerks appointed for that purpose, who make a transcript from those invoices of the importer's name, the vessel in which imported, the marks or numbers, or brands of each particular lot on the invoices. These transcripts go into the hands of the sampler of the United States, who ascertains where the sugars are discharging, or in what warehouse they may be deposited, as the case may be; and from these transcripts of the various lots the sampler proceeds to draw his samples, and draws them in accordance

with the law, which requires an examination of one package out of every ten. If there are a hundred hogsheads, he must draw samples out of ten casks, and he is instructed by me, if he discovers in the process of examination any variation, to proceed further and take as many over and above one out of ten as may be necessary, and bring before me the facts of the case.

Question. Is it not a fact that the quality of sugar in a hogshead will vary according to the place where you insert the auger?

Answer. Certainly. My instruction to the sampler invariably is to draw his samples from the best head, which is usually the marked head, but not to trust too much to that, but to take samples also from the sides, and then, in the course of proceeding, to draw a sample from the foot, but not to mix this foot sample with the one from the head. The foot undoubtedly varies from the head, and if the head shows the best grade that is the grade I take, and although the foot may be different I do not take that into consideration at all, because I cannot divide a cask.

Question. What assurance have you that the sampler follows out your directions?

Answer. We have more than one sampler to begin with; and the same papers do not go into the hands of the same man always; and besides, by my long experience in handling invoices of sugar, and knowing the place where they came from, the estates which almost every importer here has his sugar from, I can almost detect, without the samples, whether there is anything extraordinary in the sugar.

Question. In all cases are the samples of these sugars brought to you?

Answer. In all cases.

Question. How is it possible, in the case of the arrival of a large number of vessels of sugars, for all these amounts to be brought before you, a single individual?

Answer. It is possible, for it is not all done at once, or in one day, or in one week. The examination of such an arrival may consume a month. A large portion may go into the warehouses; and if they remain on the dock, it may be days before the sampler gets through with them. There is nothing extraordinary in that supposition in busy seasons, for we frequently have thirty or forty arrivals in twenty-four hours. I was going on to say that these samples are brought into our office as taken from the cask, with the lot marked upon the paper, the importer's name, the vessel in which imported, and the particular lot the sample is intended to represent. At a certain hour of the day—I do this every day—I go up into the sample room, and those samples are opened one after another. It is not an uncommon thing to have samples enough to cover a large table. Then I take my invoice and proceed regularly to take these samples and define the grades of them as they come before me. When that is done I make my marks upon the invoices, and they are passed to another man who enters them.

Question. What do you do when there is a difference between you and the importer?

Answer. If I find that the importer has entered the sugar at a different rate from what the samples show, I have fresh samples drawn, if I have any doubt about the correctness of the first lot. But ordinarily I return the grade just as I find it from the samples, taking it for granted that the samples before me are a fair representation of the sugar. Bear in mind, that it is very rare that we reduce the standard which is entered by the importer. If he enters it at a higher rate than what the sample shows, I either have fresh samples drawn to be sure my samples are correct, or I enter it as he has. But I often advance the rate without any further examination than the samples first brought before me. If an importer supposes I do him injustice, and says to me that I have rated his importation by a certain vessel too high, and that I have made a mistake, I

treat that man with deference and consideration, and say to him, if such a thing is within the scope of possibilities, and the goods are still on hand, I will have them resampled. That is frequently done, and as frequently the original report is confirmed, and frequently it is reversed upon another examination.

Question. Is there any appeal from your decision?

Answer. Yes, sir; to the Secretary of the Treasury, or to the merchant appraisers.

Question. What is your process of inspecting molasses?

Answer. There is not so much trouble about molasses as about sugar, because it is immaterial whether the quality is good or poor, as they pay the same duty. But there is an article which a person not accustomed to it might suppose to be molasses, but is only *melado*. It is the cane juice boiled down to a certain point, and, instead of being made up into sugar, is put into casks and is brought here under the name of *melado*, and pays within one-half a cent a pound as much as common sugar does. We have to be careful that under the head of molasses they do not introduce *melado*, or molasses concentrated. They concentrate molasses by boiling, and it pays a higher rate of duty than molasses.

Question. Who determines the conformity of the cask with the invoice, as to weight?

Answer. The weigher. The collector has weighers and gaugers in his department.

Question. How do you proceed in case there is a demand for damages on sugar or molasses?

Answer. If damage is discovered, the importer, in the first instance, is required to get the warden's certificate that a damage has occurred. With that certificate he goes to the collector's office and makes application to him, under oath, alleging that his goods are damaged and were damaged upon the voyage, and that they have not been landed over ten days. Upon those papers the collector issues an appraisement warrant, directed to the appraisers, to ascertain the extent of the damage which has occurred upon the voyage of importation. That passes into another branch of our department, at the head of which is Mr. Lathrop. To this department examiners are attached, who make the inspection of these packages and make report thereon.

Question. It has been rumored that frauds have been perpetrated in connexion with the damage department. How is that, so far as your experience and observation extend?

Answer. I have no reason to suppose that there has been.

Question. It has been said that there is hardly a cargo of sugar imported upon which a claim for damages is not made. Is that so?

Answer. No, sir; it is not so. I do not suppose there is any class of merchandise imported on which there is less claim for damage than on either sugar or molasses. But that subject is a matter of record and can be easily ascertained.

Question. Did you have charge of the damage department?

Answer. I had up to the time that Lathrop came into office.

Question. It is charged that great frauds have been perpetrated in the appraisement of damages on coffee. Do you know anything about that?

Answer. It has never been brought to my notice. It has been frequently stated that it was believed that, in some instances, larger allowances have been made on merchandise than ought to have been, but, with the exception of one coffee case, (a case which I put into the hands of one of my associates, Judge Hogeboom, for examination,) I cannot tell you of an instance relative to coffee which differs from those relating to other articles. I am not clear in my recollection as to the particulars of that case, but I can get at them. Judge Hogeboom spent a number of days investigating it.

Question. When was that?

Answer. I do not know; Mr. Hogeboom will remember it.

Question. While you had charge of the damage department were you cognizant of tendencies to or opportunities for fraud or corruption which ought to be guarded against?

Answer. Appraisements for damages are different from any other kinds of appraisement, inasmuch as they rest altogether upon the judgment of the examining party. There is no positive standard by which a man can arrive at the amount of damage. It depends upon the appraiser's discretion, and his capacity to judge how much water may affect goods when it comes in contact with them. Different minds will come to different conclusions, and if there was corruption, it might be charged in any way to suit the case to error or judgment, perhaps, and there is no positive check upon the examining officer after he makes up his mind to make his return. There is this to be said in favor of the damage department, that in my judgment, at least, the present mode of conducting business there is a great improvement on that which previously existed. Formerly there was no separate bureau in reference to damaged goods, and every examiner for value was an examiner for damages, when such a case occurred. In 1857 the Treasury Department, upon suggestion, deemed it advisable to organize a special department, with a certain number of examiners attached to it, whose business it should be to examine damaged goods. That it was an improvement upon the previous course was evident from the difference shown, after that, in the amount refunded for damages. After the change was made I took the trouble to look up the amount paid for damages, and I found it a great deduction on the amount allowed for damages in previous years.

Question. About what is the amount annually allowed for damages?

Answer. I have not inquired for the last year or two, but I should suppose somewhere between one hundred thousand and five hundred thousand dollars each year. Under the higher rate of duty now prevailing, the amount to be refunded would be much larger.

Question. How does the government refund? Do the parties pay the full amount of duties as if the goods were in good condition, and then does the government refund the difference?

Answer. No, sir. You import, for instance, a lot of goods, the duty on which is one hundred dollars; you pay the hundred dollars, and the goods are then found to be damaged, and the importer makes a claim. The appraiser examines the goods and reports, for instance, that the goods have sustained a damage of twenty per cent.; that is, that they have depreciated in value twenty per cent. Thereupon the collector proceeds to liquidate the entry anew, and instead of charging the man a hundred dollars, he will charge him only eighty dollars. That is paid back through the auditor upon the liquidation of the entries.

Question. Is there any chance for collusion between the parties by which the government might be the loser in this repayment, either in determining the amount of damage or in the repaying of it?

Answer. Anything is possible; but it is not probable, without forgery or fraud being committed. For example, we make a return to the collector that these goods are damaged twenty per cent.; now, if you please, an ingenious man might take out "twenty" and insert "thirty." But, laying that consideration aside, I do not see exactly how there can be any different amount paid back than that which our return would justify. There is no way in which it could be done except through downright perjury and fraud. If there is any fraud—for it must be fraud—committed at all, it must be either in the bad judgment of the examining officer in allowing too much, or by collusion between the collector's office and the naval office. To be sure, this bureau we speak of has a supervisor over it who might, if he chose, occasionally take it into his head to go down and examine himself a lot of goods. Mr. Dorrance has jurisdiction over that bureau—and might himself make an examination as well as the examiner; but in the mul-

tiplicity of these cases it is not likely that he would discover fraud in any particular case.

Question. Do you recollect the number of appraisers of damaged goods?

Answer. We have six now. Hitherto we have had only five.

Question. How long have these appraisers held those offices?

Answer. One of them has been there probably twelve years; another one since 1856; and the others have been there since the incoming of the present administration.

Question. Have you any other suggestion in reference to improvements which might be made for the benefit of the government?

Answer. In reference to this damage department I think it would be of advantage to the government to have a larger number of examiners, so that the goods could be divided into smaller parcels. Generally speaking, these men have too much to do—too much to be consistent with a proper discharge of the duties devolved upon them; and, as an inducement to make them value their positions, perhaps they should be better paid than they are.

By Mr. Rollins:

Question. Do you know of any abuses which have been practiced in connexion with this matter of appraising goods?

Answer. Our appraising department has never had that consideration paid to it which the importance of it really entitles it to. It is the keystone of the whole arch; as upon a correct discharge of the duties of the appraisers depends the amount of revenue the government collects. The collector receives the money, but the appraisers say what money he shall receive. Hence the performance of those duties requires men not only of experience and business qualifications, but men who are above temptation. It is expecting too much to find such men for a salary of one thousand and fifteen hundred dollars a year. Men who are really qualified to hold the position of examiner or appraiser are worth anywhere a great deal more than they can get there; because it is necessary that they should not only be familiar with the quality of goods, but with the foreign value, and with the mode and manner in which merchandise is bought and sold abroad. A man who has those qualifications is worth a great deal more than he can get in the custom-house. Hence we are obliged to take, not such as we would like to have, but such as we can get.

Question. Can you give us any instances of cases of errors of judgment?

Answer. Such instances are of daily occurrence; that is, as common as any transaction in our office. The errors which are brought to our notice are not so frequently errors relating to value, because they are generally in favor of the importer, and he makes no complaint of them, as they are errors in classification and in the material of goods. Goods are sometimes called worsted, when they should be called wool; sometimes they are called wool, when they should be called cotton; and called cotton sometimes when they should be called silk. All these things not only may occur, but do occur, even with those of our employes of whom we have the best opinion both in reference to integrity and capability. And again, in times of pressure of business we have not half the force necessary to do the work well, nor have we half the adequate quantity of store accommodations; the consequence is, that frequently our whole building is piled up with goods from garret to cellar, and the cases are got out as rapidly as they can be got hold of, and the whole business is slurred through. I mean that the examiner has not time to give that attention to each particular case that he ought to give to it. If he should stop to do that, he would become involved in such confusion that he could not extricate himself; hence he has to drive business through. It was this consideration that made me remark that our department had never had that attention paid to it that its importance demands. We have generally been looked upon as a tender to the custom-house.

Question. Can you give us some other marked instances of errors of judgment?

Answer. None that occur to my mind at the present moment. I have said that the correction of errors is of daily occurrence; some of them are errors of judgment, and some of them arise from carelessness, or from the haste in which business is done. For instance, a man may return the mark of a case of goods as No. 1, when it should be No. 10; or instead of returning a case as a manufacture of steel, he will have it a manufacture of iron. Then there is another branch of errors which devolves more particularly on the appraisers to correct: it is that of examiners frequently calling goods by names which are not terms of the law. Unless the men are very smart and understand their business, they will fall into that error. On that account invoices are sometimes returned to appraisers, to have them classified according to the language of the law. That matter requires attention upon the part of the custom-house, as well as it does upon our part, for unless they watch those things at the custom-house, an error committed by us might go all through without correction. For example, an article may be returned as wearing apparel, and upon that naked classification of wearing apparel they would pay a duty of thirty-five per cent.; but if that wearing apparel should happen to consist of wool, that term would not answer at all. He may have stated the fact as regards the goods, but he has lost sight of the fact that wearing apparel of wool comes under another classification of tariff, and pays a higher rate of duty. I might state that perhaps one of the best checks which there could be upon our department would be found in the liquidating clerks in the collector's office. Theirs is a place of great importance, and they could do much towards detecting fraud and errors in reference to the revenue; every invoice which comes from the appraisers passes through the hands of those clerks. If the collector has shrewd and smart men there—men who are familiar with foreign languages, and who can read the invoices before them—many glaring errors would be frequently detected. Whether those errors are, in all cases, the result of mere carelessness, or of judgment, you can judge as well as I can. So far as I have had any agency in appointing the examining force in our department, I have endeavored to make integrity a matter of the first consideration.

NEW YORK, *October* 19, 1864.

BENJAMIN B. SHERMAN, a witness, being duly sworn, testified as follows:

By Mr. Hulburd:

Question. Are you connected with the custom-house?

Answer. No, sir. I am merchant appraiser in the champagne cases which have recently arisen.

Question. Can you give the committee any information in reference to abuses existing in the appraisers' department?

Answer. All I know about that department is what I have seen in connexion with these champagne cases. Our business, as merchant appraisers, does not carry us into the custom-house a great deal. What I have discovered in the course of investigation of these champagne cases is, that there is apparently a great absence of uniformity in the valuation of wines. To illustrate: wines which, according to my judgment, and that of such experts as we have brought before us as witnesses, are of about one value, have been entered at different valuations. For instance, in one case wine will be entered at twenty-eight francs a basket, and in another case at thirty-five or thirty-six francs. The gentlemen who have been there as appraisers of wine seem to have allowed that, either from ignorance or because they were paid by the owners. At any rate there is a discrepancy in the valuation of wines.

Question. Of the same article?

Answer. Champagnes come here under all sorts of names and brands, and unless a man is familiar with the article it is almost impossible to determine

whether or not they are one and the same article. The investigation, as far as it has proceeded, shows that while they are about the same value, they have paid different rates of duty. The importers say that wines have been coming here for years, and that there was an arrangement made with the custom-house by which they should pay a certain rate of duty. The law contemplates that they shall pay a duty on the wholesale market value at the place from whence they are exported. But there is no wholesale market price there, as the labels adopted for the wines put up for the American market are not known in the market there. The importers say they went into a calculation with the custom-house ten or fifteen years ago, and that these prices were fixed upon. What seems to me to be strange is, that while, as I said before, the wines are of about one value, there should be this discrepancy of which I have spoken.

Question. Could the examiner or appraiser, by care and attention, have ascertained this similarity of quality and value?

Answer. I think he could. The gentleman who allowed this discrepancy is relieved from office now. The man now there is, I think, endeavoring to correct this evil. All these seizures took place about the time he entered the office. The investigation of these champagne cases has proved to be one of the most difficult things I ever undertook, in consequence of the law contemplating the payment of duty upon the wholesale price in the principal markets of Europe, while there is no wholesale price known there. It is believed that the man Teller, who has been in that department for ten or fifteen years, has been paid by the parties who got their wine in cheap. Whether that is so or not I do not know. I suppose that was the reason why the man was removed.

Question. What is the name of the present examiner?

Answer. Robinson.

Question. How long has he been there?

Answer. Six or eight months, I think. It seems to me there is a great want of ability in the various offices here, where there is so much to do and which is the commercial centre of the continent. The government needs here the smartest men it can get. It wants men of greater experience than it now has.

Question. What means can the examiner resort to to enable him to fix the value of these wines correctly?

Answer. I suppose the consular certificate is presented to him in the first place; but it is difficult to get consuls who are familiar with that business. The consul at Rheims, who swears to the value of two francs a bottle, ought to know whether the wine is worth two or four francs. The shipper swears to the invoice which he enters with the consul, and I cannot ascertain that any objection has ever been made to whatever a man has seen fit to swear to.

Question. What is the effect here of that consular attestation?

Answer. That the examiner or appraiser is influenced by the appraisement sworn to at the place of shipment.

Question. Then that is supposed to be, *prima facie*, the correct valuation?

Answer. I find, on examining this matter, that many of these consular certificates contemplate the cost as the thing sworn to, and not the wholesale price. Our investigation shows that these wines do not cost a great deal—that it does not cost more than two and a half francs a bottle to produce them.

Question. Has the examiner here any means of going back of that consular appraisement, except by calling in men as witnesses here?

Answer. The assistant appraiser here may raise the invoice, and if he raises it above ten per cent. it amounts to a penalty. Then the merchant calls for a reappraisement, and if the merchant appraiser, acting with the general appraiser, confirms the increase, the merchant is subject to a penalty, and has to pay it. But very few instances of that kind have occurred, until the whole matter was opened at once. It commenced in reference to California wines, I understand. A great many seizures were made there, and that opened the matter here.

Question. Has the appraiser here any means of determining whether the certificates, purporting to be consular certificates, are genuine?

Answer. I do not think he has. If you were importing a wine you got twenty dollars a basket for, and I were importing wines which I got the same for, there would be no equality in your paying a duty on a valuation of twenty-six francs, and I on thirty-six. This discrepancy, which does exist, is all wrong. As to the wholesale price of those wines, the appraiser has no means of knowing, except he gets information through the consul.

Question. Does your experience point out any mode by which the government may protect itself?

Answer. The only mode I can see is through specific duties. Under the new law this wine has to pay six dollars a basket, whether good or bad. I am satisfied, from the investigation I have made, that ad valorem duties drive the importations of this country into the hands of foreigners, and cause all this false invoicing. I have before me an original invoice which was found among the papers of one of the firms who own some of the wines which were seized. In an invoice of 2,332 dozen it shows that there is a discrepancy between the invoice presented at the custom-house and the real invoice between the parties of \$4,104 in gold, and a difference in duty of \$1,552.

Question. Why did not the invoice produced at the custom-house represent the actual value, and how do you know it did not?

Answer. Because we have both invoices—the one which went to the custom-house, and by which they paid duties, and also the one by which they settled between themselves. And this invoice by which they settled contained an addition of four francs a case on 130 cases, and five francs on 2,200 cases, and ten per cent. added to the whole. And these additional francs and the ten per cent. made the difference between the footing of the invoice produced at the custom-house and that of the one used in the settlement between the parties.

Question. Have you any means of knowing the actual cost of this wine where it is produced?

Answer. The first quality costs at the place of manufacture $2\frac{40}{100}$ francs per bottle; the second quality $1\frac{80}{100}$ franc per bottle, and the third quality $1\frac{45}{100}$ franc per bottle. This is the cost per bottle before it is labelled and put into baskets, the expense of which is $2\frac{85}{100}$ francs per basket. Much of this wine in its raw state is bought for thirty francs per forty gallons.

Question. What does this wine sell for after it has been imported into this country, and paid a duty of, say, fifty per cent. ad valorem?

Answer. The first quality sells at sixteen dollars in gold per basket; the second quality at thirteen dollars, and the third quality at eleven dollars.

Question. Does not that show that there is a very great margin of profits?

Answer. Yes, sir; and it shows that there has been deception in the payment of duty on this wine.

Question. Why do not others enter into this trade if there is such a large margin of profits?

Answer. For the reason that they could not buy those brands of wine abroad in many cases at all. In most cases they cannot, and if they could it would be at a much higher price than they are invoiced at for the purpose of paying duty.

Question. Is it a fact, then, that the foreign exporters are partners with or participants in the profits of these importing houses here?

Answer. In nine cases out of ten these importing houses here are either branches or agents, and get a commission for selling the wine.

Question. Have you been in the liquor business?

Answer. I used to import wine.

Question. In the city of New York, in whose hands substantially is this importation of wines?

Answer. In the hands of foreigners.

Question. What has driven the trade out of the hands of the home merchants?

Answer. Ad valorem duties. With a specific duty the regular merchant could go back to the business again. There is no honorable merchant that will go to the place of growth and buy an article and make out a fraudulent invoice; but this trade being in the hands of agents here, the producers make out a price and tell them that is the value of the wine. They sign an invoice sworn before the consul there, and the consul may think that is the correct invoice, but in these seizures the authorities have found out that there are two invoices, one for the custom-house and one for settlement between the parties. The correspondence upon the subject also shows that.

Question. I understand you to say that the existence of this state of things has been aided by the substitution of the word "cost" for "valuation" in these consular certificates?

Answer. Yes, sir.

Question. Where the certificate speaks of "cost" it may justify this low valuation?

Answer. I suppose so. Where a man goes before a consul and swears to the cost of an article, unless you can show that it is not so, he gets clear.

Question. Have you reason to believe that this entire business of wine importation has been conducted upon this duplicate invoice system?

Answer. No, sir; I do not think the entire wine business has been so conducted, but I see from these seizures that a great deal of it has been done in that way.

NEW YORK, *October 27, 1864.*

BENJAMIN B. SHERMAN, being recalled, testifies as follows.

By Mr. Hulburd:

Question. Will you give the committee the benefit of your observation and experience as to the system of appraising damaged goods at the custom-house, naming the abuses, if any, and the correctives?

Answer. There are allowances made for damages on goods which ought not to be made.

Question. Explain what you mean by that.

Answer. I believe that allowances should not be made unless the damage is caused by water, or by the elements at sea. The practice of making allowances upon goods which are damaged otherwise than by the elements has led to goods being entered at less duties than they ought to be. This practice has greatly increased in New York city, and is reaching very many kinds of merchandise, more especially fruits.

Question. You were a merchant here for some years formerly?

Answer. Yes, sir; since 1833 for myself.

Question. What is the corrective for the evil of which you speak?

Answer. It is to be found in placing at the head of these different departments in the custom-house the very best men that can be procured.

Question. Can we secure that adequate ability, experience, and integrity for the compensation now allowed?

Answer. No, sir.

Question. In your judgment is the government losing daily very considerable amounts in consequence of the absence of such qualities?

Answer. I think so.

Question. You have had a good deal to do of late as government appraiser?

Answer. Yes, sir.

Question. And have had a pretty good opportunity to see the working of that branch of the service here?

Answer. Yes, sir.

Question. Suppose the men were competent, what is your opinion as to the amount of force sufficient to properly discharge the duties imposed upon them?

Answer. I do not think that in the appraisers' office they have help enough, even if the men were competent.

Question. As a merchant heretofore, you have had some experience at the entry bureau?

Answer. Yes, sir.

Question. What is your opinion of the system which obtains there now as to facilitating business, and as to its susceptibility of being simplified?

Answer. I think that machinery could be improved. I know I could improve it if it was in my business.

NEW YORK, *October 21, 1864.*

ALBERT HANSCOM recalled.

By Mr. Hulburd :

Question. As deputy collector of this port, have you charge of the prosecution of parties for frauds committed on the revenue, and the condemnation of goods seized?

Answer. Yes, sir.

Question. Will you give the committee the benefit of your knowledge and views of the workings of the present system of laws and regulations upon that subject, and your opinion as to whether the checks and guards against frauds are sufficient for the purposes for which they are designed?

Answer. One of the guards which our revenue laws have provided against fraud, and a most important one, is the supervision which our American consuls abroad have over the exportations to the United States. The act of 1818 was the first act which required persons residing abroad, who owned goods to be shipped to the United States, if subject to ad valorem duty, to certify his invoice before a consul. He was by that act required to swear to the cost of the goods if purchased in the ordinary mode of bargain and sale, or market value thereof if manufactured, or obtained otherwise than by purchase. Some difficulty was experienced with respect to that provision, especially in Great Britain, where objection was made by the government to allowing their subjects to be called before a foreigner and put under oath. Consequently the act of 1823 provided a relief in that respect, by authorizing such foreigners to make oath before a magistrate of the country where the oath was administered; and then the invoice was to be carried before a consul, who was to certify that the person taking the declaration was a magistrate, and that his certificate was entitled to full faith and credit.

At that time the only invoices to be certified were those of goods subject to ad valorem duties, owned by persons residing abroad; but the act of July 14, 1862, section 17, required all invoices to be certified under oath before an American consul. It requires that the oath shall be administered by the consul or commercial agent of the United States at the place where the goods are manufactured, or from whence they are sent. The same difficulty arose under that section with regard to the citizens of a foreign country being brought before an officer of the United States in that country, and having an oath administered to him. The British government would not consent to it. Then on the 3d of March, 1863, there was passed an act to prevent and punish frauds upon the revenue. That act, instead of requiring the owner to go before the consul and make *oath* to his invoice, required the indorsement upon the invoice of a declaration signed by the purchaser, manufacturer, owner, or agent, setting forth that the invoice was in all respects true, that it contained (if the goods are subject to ad valorem duty and were obtained by purchase) a true statement at

the time when and the place where the same were purchased, and the actual cost thereof, and of all charges thereon; and when obtained in any other manner than by purchase, the actual market value thereof at the time when and the place where the same were procured or manufactured; and, if subject to a specific duty, the actual quantity thereof. The law further provides that no goods imported into the United States after the 1st of July, 1863, shall be permitted to entry, unless the invoices presented shall in all respects conform to the requirements before mentioned.

Pursuant to this act instructions were issued to consuls, furnishing them with forms for the declarations required. *Declarations* are now required instead of *oaths*. The forms of these declarations are provided for in circular No. 35, issued by the Department of State, April 27, 1863, forms Nos. 142 and 143. As a general thing, so far as the invoices which have come under my observation since that law was passed are concerned, but little attention has been paid by the consuls to those forms. I have some of the invoices here which happened to lie before me in the office. Here is one certificate by the consul at Manheim, grand duchy of Baden. It is an invoice of goods shipped by the manufacturer on his own account to Lennig & Clemm, of Philadelphia. In the certificate he declares that he is a manufacturer, and then goes on to certify that the invoice contains a true statement at the time when and the place where the goods were *purchased*, of the actual *cost* and quantity thereof.

Here is another invoice of goods shipped by the manufacturer on his own account, certified by the consul at Bremen, in which the declaration is that the person is a manufacturer, and that the invoice contains a true statement of the actual market value of said goods. That is right. There is another invoice of goods consigned by the same party to the same person, at about the same time, in which he certifies that he is a manufacturer, and that the invoice contains a true and full statement of the time when and the place where the same were purchased, and the actual cost and quantity thereof. One was under the prescribed form, No. 143, and the other under form 142, when the goods were of the same class precisely, and shipped under the same circumstances, both invoices being on account of the manufacturers.

Question. Why was that difference?

Answer. My theory is, that the consuls perform this duty simply as a matter of form, and pay no attention to the interest of the government as connected with the matter.

Question. Who is the consul at that point last mentioned?

Answer. John Henry Albers; the other consul was Louis Stoll. The regulation requires that consuls shall sign these declarations with their own hands, but I have noticed in some instances that the certificates have the name of the consul lithographed, and have been informed that in some places it was the practice to furnish merchants with blank certificates which they would fill up with respect to the invoices, and send them by a boy or clerk to the consul. That was at the time when oaths were administered, and the consuls would certify that persons had made an oath before them when they never even appeared at their offices. There was one case which came under my notice, where a new consul declined to certify an invoice under the circumstances I have mentioned, and the merchant refused to go to his office, and the consul continued to refuse to give a certificate. It was soon after found out that the goods comprised in that invoice were included in and shipped with another merchant's invoice. It is a common practice with consuls to sign blank declarations, leaving them to be filled up by clerks, and in some cases the signature of the consul is written by a clerk, in the absence of the consul. I have seen certificates to oaths where the person making oath did not see the consul. The book of instructions issued to consuls in 1852 states clearly their duty in regard to the interest of the revenue in certifying invoices, in looking after the market value of merchandise

imported into the United States from their districts, and in keeping the Treasury Department and collectors respectively informed thereof. It would seem that the general impression among consuls has been that their duty consisted in merely administering the oath to the person presenting himself before them, or of certifying to the declaration. But the instructions from the government to the consuls which they must have in their possession contemplates duties in this respect more important. Article 187 of the instructions declares that "an erroneous impression exists with many foreign shippers of goods to the United States, that the consul before whom the oath to invoices is either taken or verified have no power to examine the details of such invoices, but simply to verify the fact of such oath being taken before them, or by an officer in authority known to them as such. That is not the fact, and consular officers are expected, before verifying invoices, to satisfy themselves of their correctness, and a reasonable time for consuls to accomplish that object by an examination of such invoices cannot be justly denied to them."

In connexion with that we have lately ascertained that the Rhine wines are very much under invoiced, so much so that it would seem impossible for the consuls, if they paid any attention to their duties, not to have discovered it. Here is a list of prices, per thousand litres, at which they have been passed through the custom-house, and a list also of the real prices which we have since discovered from the books of the parties :

Custom-house invoice.

220 florins.

150 "

250 "

180 "

110 "

320 "

350 "

194 "

153 "

Real invoice.

530 florins.

330 "

580 "

450 "

240 "

700 "

700 "

460 "

320 "

The same is true, in about the same proportion, of the other invoices. There are a great number of such invoices, and in a great many places the wines appear to have paid duty upon only from forty to fifty per cent. of their actual value. There is one invoice of Rhine wines entered at 5,800 florins, where the real invoice showed the cost to be 13,300 florins.

Question. What was the deficit of duties in that instance?

Answer. On a sheet of thirty-three importations the difference between the actual valuation and the entry valuation, as appears by the books of the parties, was \$17,549, the duties on which would be not far from \$7,500 more than was received.

Question. Ought not the consuls living in those places to be able to furnish such information of the actual home valuation of those wines as would protect the government?

Answer. Yes, sir; with such an article as wine I think that the consul should be able to ascertain the value of the invoices coming before him so that he could detect any large fraud like the one referred to.

Question. Do the consular regulations require the consul to certify to the wholesale price of this article?

Answer. These invoices are made up at the cost.

Question. Do the instructions say "cost" or "wholesale price"?

Answer. Most importations are bought at wholesale. The importation of goods is not a retail business.

Question. Is there any known difficulty at the port of exportation in ascertaining what is the wholesale price?

Answer. The invoice must either state the cost or the market value.

Question. Is it optional to state which?

Answer. If the goods are purchased, the invoice must show the cost; if acquired otherwise than by purchase, then the invoice and declaration must show the market value. In either case the price ought to be the same, or nearly the same, because the cost ought to show the market value, unless purchased under some peculiar circumstances; and where the goods are not purchased, the invoice should show what they would cost if purchased in that market. It would depend upon the kind of merchandise to some extent whether the consul would or would not have difficulty in ascertaining the truth of the invoices presented to him.

You asked me whether it was optional with the exporter to make a declaration of the *cost* or of the *wholesale* price. It is not optional. The invoice must show the cost if purchased, and it must show the market value if acquired otherwise than by purchase; otherwise duties would not be levied equally upon articles imported by the manufacturer and those imported by the purchaser. For instance, take the case of aniline colors, a dye which has been in use but a few years; the price of which in this country—which, of course, governs the price in the foreign country to a great extent—has been seventy-five dollars a pound, while I am informed the cost to the manufacturer does not exceed two dollars a pound. So it will be seen it would be unequal to require the manufacturer to pay duty only on the cost to manufacture while you would require the purchaser importing to pay a duty on the cost to him with that immense profit.

Question. I understand that wines are manufactured expressly for this market and are not sold at home, and therefore there is no wholesale price abroad for such wines. What would be the consul's duty under such circumstances, and what the means of protecting the government here from under valuation?

Answer. In such a case as that all that the consul could do, if those wines are not sold in the country whence they are exported to the United States and elsewhere, would be to ascertain, through merchants and others who know what those wines sell for in the United States and other countries, what price they would bring if offered in the market. That could be approximate to, as merchants will engage in a trade which will bring them a profit, and therefore they would buy those goods which are not offered for sale at a price which would afford them a profit in the United States, or other places where commerce is usually carried on. The invoices before referred to as being improperly certified are not exceptions to the general rule. They are selected as illustrations. To find an invoice with a proper declaration annexed is an exception to the general rule. On the other hand, complaints have been heard from consuls against the practice at custom-house in permitting entries where it was evident that the declarations annexed to invoices were received and certified by consuls who had no right to receive and certify them; that is, by consuls at the last ports of shipment to the United States, or other places remote from the places, or without the consular district where the goods were "manufactured or prepared for exportation, and from which their journey to the United States commences." The law requires invoices to be produced to the consuls "nearest the place of shipment," and this term has been construed by the State Department (circulars to consuls April 27, 1863, and March 8, 1864) to be "the place where merchandise has been manufactured or prepared for exportation, and at which its journey to the United States commences, and is not necessarily the place where it is put on board ship."

NEW YORK, *September 15, 1864.*

ALBERT HANSCOM, a witness, sworn and examined.

By Mr. Rollins.

Question. State to the committee what you know in reference to suits pending against the government for the recovery of excessive duties.

Answer. That branch of the business was under my supervision for a very short period, while I had charge of Mr. Stanton's bureau, temporarily, and I recollect at that time a suit was brought by Powers and Weightman, and a letter was written to the district attorney intimating that there was a good defence under the 5th section of the act of March 3, 1857, and that the plaintiffs ought to prove their compliance with it.

The following is a copy of the letter referred to :

CUSTOM-HOUSE, NEW YORK,
Collector's Office, November 18, 1863.

SIR: In compliance with your request, I herewith transmit entry, invoices, and protest in the case of an importation of Peruvian bark, by Degen & Taft, per steamer Borussa from Southampton, in July, 1861.

I do not find on the files of this office any decision of the Secretary with respect to the article in question, and therefore it will be incumbent on the plaintiffs to show a compliance with the requirements of the 5th section of the duty, act of March 3, 1857, in order to maintain their suit.

Very respectfully, &c.,

HIRAM BARNEY, *Collector.*

E. DELAFIELD SMITH, Esq.,
United States Attorney.

A few days afterwards I saw in the papers that a judgment had been entered in favor of those parties, and thinking it was very strange, I called on the district attorney about it. I thought the plaintiffs had no right to a suit, because they had not appealed to the Secretary of the Treasury from the collector's decision with respect to the duty on the goods imported. I was not certain they had not appealed, but satisfied myself that no decision had been made by the Secretary; and whether they had appealed or not, if the Secretary had not made a decision, they had no right to maintain the suit. I went to the district attorney's office, saw his assistant, and inquired of him how that judgment came to be allowed. He said they had asked Mr. Culver, plaintiffs' attorney, the usual questions, whether they had a right to the suit, and he said they had, and therefore they did not require him to prove it, because such judgments were always taken with the understanding with attorneys, that if they found out at the custom-house that there were no protest or appeal, the case should be reopened, and therefore I supposed that it would be reopened. That was the understanding between me and the assistant district attorney. I think it was before that, when I had nothing to do with these suits, I saw a lot of statements in Mr. Denison's room, the naval officer, and he asked me what I thought of the matter, and said it was a large business, or something of that kind. I looked some of them over, copies of the protests were attached, and there were no dates to these protests, and some of them were not signed, and I said: "You cannot tell whether the parties themselves made the protests; they don't seem to have signed the papers which are stuck on the entries, and you cannot tell whether they were made in time, if made by the proper parties. He called up his clerks and they said these are judgments of the court, and we cannot object to them; we can only make clerical computations under the decisions. I answered, as he was required to certify them, the Treasury Department depended

on his certificate, and if he had no power to arrange them he could inform the Secretary what was going on at least. I thought there was good objection to all these suits, and that the money could have been retained in the treasury.

Question. Do you know about the number of suits there were?

Answer. I should judge there were from twelve to twenty.

Question. Had judgments been taken in these cases without any defence?

Answer. I understand this to be the practice. Here is one article, say Peruvian bark. They get up one set of papers to try the question whether that is subject to duty, or whether it was subject to the rate of duty it was charged. In this case they claim it was not subject to duty. They try one case and the court decides upon that question, whatever it is, and then no other cases involving the same question are tried, but judgments are entered by consent of the district attorney. Still it might be that one importer has a right to a suit and another has not, and I consider it the duty of the government to defend such suits on technicalities, for this money never goes back to any person that has an equitable right to it. These duties are paid sometimes ten or fifteen years before the suits are brought, and a great many are barred by the statutes of limitation in this State. The duty, whatever was paid, has been added to the cost of the goods, which are sold with that addition, and the duty is ultimately paid by the consumer to the importer, upon which he gets a profit. After the consumer has paid that duty in comes this importer, years after, and if he can make out a legal claim to it he pockets this money. I claim that the United States has the best right to that money, because it cannot be returned to the consumers who actually pay it, and therefore it should be kept in the treasury by technical means if necessary. Another reason is that these suits, or nine-tenths of them, are not brought originally by the importers themselves; they are got up by agents, who divide the money. In many cases in Boston I know, and have reason to believe it is the same in New York, importers themselves would never make these claims. The claims are got up by agents who divide with the importers. The agents take the risk of the suits, do all about them, and when they get the money they divide with the importers, yet the money equitably belongs to none of them.

Question. Could not the statute of limitations have been pleaded in many of these cases?

Answer. Yes, sir; and the officers of the government are directed by the Secretary of the Treasury to plead the statute of limitations in bar wherever they can, (Art. 872, General Regulations,) and the following letter of the Secretary of the Treasury shows that evidence of due protest and appeal should always be required:

TREASURY DEPARTMENT.

SIR: I have received your letter of the 31st ultimo relative to certain claims for return of duty, and asking instructions relative thereto. In no case will a return of duty be allowed where the party has not duly protested and appealed in conformity to the requirements of the 5th sec. of act of March 3, 1857. The claims referred to being for a return of duties, stand on the footing of all other claims against the United States, and payments can only be required in lawful money.

I am, respectfully,

S. P. CHASE.

By the chairman:

Question. Have you any idea of the amounts per quarter or year?

Answer. No, sir; I have not; I suppose the auditor can give you an account of that. These papers I saw on Mr. Denison's desk. He kept them there about six weeks. The parties were driving him up continually about it, and

he made a great effort to break up the business, but there was no one else in the office disposed to assist him, all saying, so far as I heard, "Here is a judgment of the court, and you cannot do anything about it, whether it is right or wrong." Mr. Denison tried hard and was very determined about it, but at last he gave in and signed the papers, feeling that he was powerless in the matter.

By Mr. Rollins :

Question. Do you believe there was a good defence in many of those cases ?

Answer. I do ; for there were the protests which were not signed, and which were not dated. They should have proved their right by showing these protests. The law relating to those particular cases required the protest to be made at or before the payment of the duties.

Question. What do you mean by protest ?

Answer. It is a notice to the collector that his exaction is regarded by the importer as illegal. A protest is necessary in order that a person paying duty may have a right to sue for its recovery. Formerly it was necessary that the protest should be made at or before the payment of duties, but now ten days are allowed.

Question. And you say that there was no evidence that this protest was made ?

Answer. No, sir ; there was no date or signature to it, and the court had decided that a signature to an entry, with a separate piece of paper on it, was not a signature to that paper ; but a signature on the entry covered what was on the entry itself. In the Peruvian bark question, statements of judgments were given to Mr. Denison ; he called my attention to them in the naval office. They are certified by the collector, with the check of the auditor on them, and countersigned with the check of the naval officer's clerk ; but when they came to the naval officer, he refused to sign them, on the ground that they had no right to the suit, for he was satisfied that they had never appealed, and had a decision according to the 5th section of the act referred to.

Question. What disposition was made of them ?

Answer. Mr. Denison would not sign them, and they were put in the hands of Mr. Bailey, special agent of the treasury, and they laid on his desk for awhile. Mr. Denison requested me to get them back, as he was afraid they would be lost, and I took them and returned them to him.

Question. What is the amount of their claim ?

Answer. The amount of the judgment. It is certified by the clerk of the circuit court. They all purport to have been made up by him.

Powers & Wightman's claim amounted, with interest, to	\$3,772 20
Rosengarten & Sons	1,274 57
Rosengarten & Sons	1,166 69
Rosengarten & Sons	551 25
Powers & Wightman	251 02

Those are the ones that Mr. Denison refused to sign.

Question. Have you any idea who makes up these statements ?

Answer. A clerk in the collector's department, and the auditor puts his check on them before the collector signs them.

Question. All that the auditor certifies to is that there is a record of such a date and such figures ?

Answer. All he certifies to, as I understand it, is that it appears, upon the principle of this judgment, that so much money was overpaid to the collector.

Question. And that is the foundation of the judgment ?

Answer. Well, I understand a judgment is declared for the plaintiff by the court. The amount to be made up by the clerk, and this is the amount and interest ; the amount is actually made up at the custom-house.

Question. Who assents to that recovery?

Answer. The district attorney, on the part of the government.

Question. Have you ever notified him, or has the proper officer of the custom-house notified him, that a good defence existed in cases of this character?

Answer. Yes, sir; the letter before referred to was written for that purpose, and I was surprised to see a verdict in the case, and went up to ascertain how there could be a verdict.

Question. Was this practice continued after this notification?

Answer. Yes, sir; the bark cases, before given, were subsequent.

Question. Of allowing this judgment to be taken by default?

Answer. Yes, sir; and Mr. Denison has other documents before him, from which he is withholding his signature. I do not wish to be understood here as saying that I know the bargain between this lawyer and his principal as to what each one should have, but it is understood that he has fifty per cent. of whatever is recovered.

Question. You mean the lawyer of the claimant?

Answer. Yes, sir. I don't know the bargain, and don't want to testify to that, but it is understood that this whole business is carried on in that way. I know it was in Boston, for while I was a merchant's clerk there I paid to an officer of the customs his share myself; and I know, in that case, that the merchants I was with never would have claimed the amount, if it had not been for this revenue officer getting it up. I have heard the same thing with respect to others there, and some merchants refused to permit the claims to be made for them.

Question. Does the same practice prevail in Boston?

Answer. To a great extent it did, until Mr. Austin was collector. He looked up all the books, and made great trouble about it, and actually put a stop to it for the time. I had the papers locked up, after he went away, until I left Boston.

Question. In the suit of Powers & Wightman against Mr. Barney, was there a valid defence?

Answer. I understand that there was a legal defence to that suit under the fifth section of the act of March 3, 1857, which provides, according to my memory, that no suit shall be brought against the collector unless the importer shall notify him of his dissatisfaction with his assessment of duties within ten days, and shall appeal to the Secretary of the Treasury within thirty days thereafter, and shall bring his suit within thirty days from the date of the Secretary's decision on that appeal. I base my opinion of this valid defence upon the fact that I made a diligent search to ascertain if the Secretary had ever decided this question, and I could find no such evidence; therefore the district attorney was notified of the fact, and that it would be necessary for him to require of the plaintiffs proof of their right to a trial of the question; that is, proof that they had complied with the fifth section by making an appeal within the time specified, and got a decision. I recollect a case where two merchants imported the same kind of goods precisely; the collector exacted a certain duty; both of the merchants protested, and one of them appealed to the Secretary of the Treasury, the other did not. The Secretary of the Treasury decided against the collector; he decided that he had collected too much duty; and the result of that decision was, that the one who had appealed was paid back the difference. Now, in comes the other, who had protested, and did not appeal, and he claimed the same difference back. This question was referred to the Secretary of the Treasury, and he decided the excessive duty could not be refunded, because, though he had protested, he did not appeal.

Question. Is that decision of the Secretary in print?

Answer. No, sir; it is in writing, in Boston. I can get it from Boston, if you desire it.

NEW YORK, *October 24, 1864.*

CORNELL S. FRANKLIN, a witness, being duly sworn, testified as follows:

By Mr. Hulburd:

Question. Are you connected with the New York custom-house?

Answer. Yes, sir.

Question. In what capacity?

Answer. As deputy naval officer.

Question. How long have you been in the custom-house?

Answer. I am now in my twenty-fourth year.

Question. Does the seizure department of the naval office come under your supervision and direction?

Answer. Yes, sir; so far as relates to cases which come within the naval office?

Question. The committee understand that there have been, and are, a great many violations of the revenue laws, and that some seizures and forfeitures have been made. The committee would like to have your views of the defects attending the entry of goods, the evasion of payment of the proper customs, and the remedy therefor.

Answer. There have been a vast number of seizures, some of them of magnitude. Seizures are still being made, and it would appear to require the utmost effort of the revenue officers to detect the guilty parties and punish them as they deserve. Mr. Denison and Mr. Hanscom, assisted by the collector in part, have done good service in that direction, and I have humbly assisted them every way in my power. As to the seizures and frauds, and the opportunities parties have to commit fraud without detection, there is much to be said; and also much to be said with reference to the remedy to be provided to prevent them as far as possible; and the revenue officers might differ in opinion as to the character of those remedies. I will state my own views. I think the consular system is radically defective, and for this most prominent reason: that the points where the greater portion of the dry goods, fancy articles, glassware, &c., which are shipped to the United States, are manufactured, and from whence they start, are small points where there are few people, and perhaps but one or two manufactories; and at these points, so far as I am able to determine by looking over the invoices, we rarely have able consuls. The consuls at those points are mostly foreigners, residents there, and they are, of course, more interested in behalf of parties there than they are in protecting the interest of the United States; and doubtless they are often in league with the shippers of goods who contemplate fraudulent enterprises. It seems to me that at those points we should have our very best consuls; for, after goods have been purchased of the manufacturers or their agents in those places, and invoiced, and the invoices attested by the consular authorities there, it is a mere matter of form for the consuls at the large shipping ports to look over those invoices and certify to them, for they cannot be supposed to be as well acquainted with the value of those goods as the consuls at the places where the goods are manufactured and purchased. If efficient consuls were located at these minor points much good would be effected.

Question. What is the revenue effect of consuls being foreigners, and residents of the countries where they are located?

Answer. They are interested in the shipments themselves; and a consul at one place will attach a form of oath to an invoice differing from that attached by a consul to another at a different point; and hence a want of uniformity. It seems to me that the forms provided for use of consuls have not been furnished to them, or, if they have been, that the consuls pay very little attention to them. The forms differ in essentials, and the consuls at those minor points will attach a certificate of a purchaser to an invoice, when it should be the certificate of a manufacturer, and *vice versa*; and these certificates, when

they go through the hands of the consuls at these larger places, receive very slight supervision. If with you I could go over the invoices coming from various parts of Europe, with the law before us, I could show you how materially the invoices differ from the requirements of the law, and how two certificates, issued apparently under the same circumstances—that is, both certificates of manufacturers—differ in phraseology. There should be uniformity. Every consul should be provided with these forms under the law, and should be allowed to use no other; and invoices should be rejected here at the custom-house unless accompanied by those forms. We have not force enough at the custom-house to give them any more supervision than the consuls at those larger ports do. It is a physical impossibility for the collectors to read those certificates and determine, by questioning the parties, whether the goods really came from the manufacturer, or whether they were purchased here or there through agencies. That, of course, gives those parties abroad great facilities for consummating frauds. They are, for these reasons, enabled to take the initiative steps in fraud, knowing they will escape an indictment for perjury, by showing that they have not sworn that they were the manufacturers, when they were really such, or have not sworn that they were the purchasers of the goods, when they were really such. They would escape conviction in ninety-nine cases out of a hundred in that way. Then there are defects in the appraisers' department. Men are placed there to examine and determine the market valuation abroad of these dry goods, wines, &c., who have little or no knowledge upon the subject whatever; and how, then, is it possible for them to determine their real value? But there are some exceptions in the appraiser's office. The examiner of cloths, for instance, I do not believe has any equal in ability and integrity in the world. Our importers of cloths here admit him to be a very able man, and equal to any other known. And there are some few others entirely competent to determine the market value of the goods they have been delegated to examine. But ordinarily that is not the case, and I do not know that it will ever be otherwise. The changes of administration bring changes to the appraiser's office as well as to others. A man by looking over prices current, and the various invoices, would in the course of time obtain a fair knowledge of his business, but by the time he has acquired that probably somebody else is put into his place. That frequent change, and want of competency in the officers here, gives parties so inclined an opportunity to make out fraudulent invoices, even when made out rightly abroad. It is a common occurrence to find the correct invoice among the business papers of the men whose goods are seized, and an invoice made out here by themselves, for the purpose of entering their goods and paying duties thereon, differing twenty, forty, fifty, and even one hundred per cent. from the correct invoice. I can show invoices now in our possession differing more than that.

Question. How do they get the consular certificate attached to the invoice presented at the custom-house?

Answer. Sometimes they take it off of the original invoice and attach it to the spurious one. Sometimes they present the invoice without a certificate, and give bonds to produce it; and when they find their invoice calling for a thousand pounds sterling they will send abroad and get an invoice in that sum, certified by a consul, in order to cancel their bond when produced here.

Question. Is not that evil susceptible of remedy by legislation?

Answer. It might be remedied by forbidding the giving of bonds, but at the same time it would place many of our merchants who do business honorably *hors de combat*, and subject them to trouble. This is a fruitful field for the operations of those villains who are ever striving to defraud the revenue. Merchants who design fraud are ever on the alert for weak points in the laws and in the inexperience of the clerks, and they avail themselves of such circumstances to commit their frauds. There are probably no more honorable mer-

chants in the Union or in the world than are to be found in New York, but we have also always a large number who look upon our revenue laws as simply an instrument to be set aside, if possible, in order to defraud the revenue. There is no moral restriction whatever imposed on them. They look upon our revenue laws as they do in Europe, as barriers which they are justified in getting over if they can. Catch them once, and they will laugh at you, and say you are not smart enough to catch them again. One of them, who paid \$10,000 the other day, said to me, "I do not believe you will be smart enough to catch me again." They do not consider it any disgrace to violate the revenue laws.

Question. Is there any one kind of business in which these frauds are more frequent than in any other?

Answer. I think not. Recently importers of wines have been very particularly the object to our researches.

Question. Is it not a fact that until recently no invoice or importation of wine or liquors has been raised above the invoice price for ten years?

Answer. I do not remember, but certainly there has been no seizure. I think there has been an advance made of wines and liquors during that time, but I remember of no seizure being made until recently. Within a few days an invoice was advanced because of information received from a seizure recently made, but upon a reappraisement the advance was dispensed with. It is with the utmost difficulty, when our examiners do advance an invoice of wines or liquors, to sustain that advance upon a reappraisement being demanded.

Question. When a reappraisement is ordered who are the appraisers?

Answer. One of the general appraisers in connexion with a merchant selected by the collector. The importers I refer to are all linked together, and it is impossible to advance their goods materially, and get the advance sustained. They will bring such testimony as will overwhelm the judgment and opinion of the general appraisers, and of the United States appraisers who have preceded him in the appraisement.

Question. Where a reappraisement is ordered in this manner, is the finding conclusive?

Answer. Yes, sir; it is by law, and hence the importance of securing a correct judgment upon the reappraisement.

Question. Have there been a large number of seizures of late?

Answer. Yes, sir; a large number, and mostly in connexion with wines.

Question. Have you any idea of the amount which the government has lost on the importation of wine?

Answer. I have no doubt that we have lost \$50,000 on those lots we have seized and have now on hand. The government has lost millions of dollars by fraudulent operations of that kind and in spite of our best efforts.

There is a defect, also, in the manner of sampling—in these Rhine wines particularly. Finer wines may be sampled immediately from the vessel, the motion not having deteriorated their quality; but these Rhine wines, when they arrive here, from the motion of the vessel, are thick; that is, they are *sick*, as the commercial term is, and you cannot then determine the quality within thirty or fifty per cent. Now, the method has been to sample from the wharf, or in the store, upon the arrival of the vessel. Those wines should all be ordered to some store and allowed to remain there several days before they are examined. As it is, the sampler rushes down to the wharf with his bottles, and takes samples from the casks just as they are taken from the vessel, and upon those samples the examiner determines the quality. It appears to me that evil could be remedied by the government providing a proper store to which to send all wines, and forbidding their examination until they had remained quiet three or four days?

Question. Could not that be done by the collector without any additional legislation?

Answer. It could be, perhaps. I have no doubt that these frauds could be broken up if proper parties were appointed in the appraiser's office, and the collector had a sufficient force of deputies to review the invoices, and to order the examination of such packages as he thought proper.

Question. Will you briefly indicate the routine of the passage of papers through the custom-house, and the goods accompanying the same, commencing with the consular certificate?

Answer. An invoice must be presented at the place of purchase or manufacture to the consul and authenticated by him, and an affidavit made by the manufacturer, or purchaser, or owner, as the case may be.

Question. Is the evidence of the consul simply the oath of the party?

Answer. The consul there has all power, and he can send for samples to determine the market value of the wines, for instance, from his own knowledge. And it is because, as a general thing, they do not do that, but allow the goods to go without seeing or examining them, that these frauds arise.

Question. Where does this consul's authentication next turn up?

Answer. At the last place or port of shipment of the goods to the United States—Havre, for instance.

Question. To whom is it exhibited there?

Answer. The consul there, and he *vises* it.

Question. What can he tell about its correctness?

Answer. Nothing, of course.

Question. Where does it next appear?

Answer. Upon the arrival of the goods here the merchant brings that invoice first to the collector's department, with an entry made out, describing the goods specified upon the invoice, to which the consular certificate is attached.

Question. How is it attached?

Answer. Generally by a ribbon and seal.

Question. How, then, can it be detached?

Answer. In all probability it is put on for that purpose—put on with gum, and is readily taken off by moistening the gum; or it is not attached at all, but is sent loosely in the letter.

Question. What is the effect of that presentation of papers at the custom-house?

Answer. It is *prima facie* evidence of the value or cost of the goods. The ownership is determined by the bill of lading ordinarily.

Question. Practically, then, the effect of the consular certificate goes all through the custom-house, and is the basis of action there?

Answer. Yes, sir; it is the duty of the entry clerk to look at the certificate and see if it is properly verified; to determine whether the oath made abroad is the owner's or the manufacturer's oath, from which he determines the oath which must be taken here.

Question. Then the clerk's inspection is to see if the formalities are complied with?

Answer. Yes, sir; and he makes up the duty to which the goods are subject upon the entry, and stamps the invoice with the official stamp.

Question. Then the duties are made up by the entry clerk upon the valuation of the invoice as presented?

Answer. Yes, sir.

Question. And there is no other guide?

Answer. No, other.

Question. In other words, the consular attestation of valuation is taken at the custom-house?

Answer. Yes, sir. That, of course, is subject to the revision of the appraisers when the invoice comes before them.

Question. Having passed the entry clerk in the collector's department, where do the papers next go?

Answer. To the naval office.

Question. What is done with them there?

Answer. The rates of duty and the calculations are supervised; the permit issued by the entry clerk is also compared with the entry, and the invoice is compared with the entry, and the duty, if correct, placed upon the naval office entry.

Question. Then the examination there is merely as to matters of formality?

Answer. Yes, sir.

Question. And no effort is or can be made to determine whether the valuation is correct or not?

Answer. No, sir; the duty, if correctly made up in the collector's department, is checked in the naval office, and the naval office clerk puts his name on the invoice, showing that it has passed the naval office. After leaving the naval office the importer proceeds to the deputy collector, before whom he makes his affidavit of the accuracy of his invoice. The deputy collector orders such goods as he sees fit to be examined. Then, ordinarily, if the importer elects to give a penal bond, he goes to the bond clerk and gives a bond, presenting his papers at the same time. The condition of that bond is, that he will deliver all the goods that he receives, which are not ordered by the deputy collector to be examined, upon the requisition of the appraisers, if they want them, and will send them to the appraisers' store. Then the merchant proceeds with all his papers to the cashier of the naval office, who records the sum of the duties and checks the duties upon the entry, when the importer is ready to pass it to the cashier of the collector. He then pays his duty, and his papers are retained by the cashier. That applies only to the entry of a number of packages. For a single package the entry is entirely different.

Question. You say if he elects to give a bond; what if he does not?

Answer. If he has ten packages upon his entry, the collector, according to law, should order two of them to be examined. The giving of this bond will enable him to get possession of the other eight. If he does not give the bond, the other eight packages will remain on shipboard or in the warehouse until the two have been examined, and if found to be correct, the other eight will be delivered upon the permit of the storekeeper. But that subjects him to considerable expense, such as storage, cartage, &c.

Question. The papers and goods having passed in this manner, you say seizures have been subsequently made; by what process do you arrive at the necessary knowledge?

Answer. Sometimes from informers outside; sometimes from suspicion in the minds of the appraisers arising from the invoice and the prices, and sometimes by our own investigations. I have more than once determined an invoice to be false by looking at it.

Question. Suppose you determine an invoice to be false, what do you do?

Answer. Obtain a warrant if the ground is deemed sufficient.

Question. Who issues a warrant for a search for the goods?

Answer. Any justice of the peace. An affidavit being made of suspicion of fraud, a warrant, under the recent law, for searching for the papers is issued by a judge of the United States district court. We procure both warrants.

Question. Have you anything to do in your bureau with the recovery of this excess of duty paid?

Answer. The statements are examined in our office and signed by the naval officer and collector.

Question. Does this business come sufficiently before you to enable you to form an opinion as to the character of it?

Answer. Yes, sir.

Question. What is your opinion of the character of that business?

Answer. I have no doubt that judgments are loosely obtained, without due examination of protests, and appeal by the district attorney.

Question. By whom is this examination of protests made and appeal taken?

Answer. By the district attorney, to whom the defence of the interest of the United States is intrusted; and inasmuch as no money can be refunded legally without protest and appeal made in due form and in due time, it is of course the duty of the district attorney to contest all such cases vigorously, and to present all the objectionable points, such as that the protest was out of time, or that the appeal was not made in time. I have reason to believe there is a looseness in these respects, but I have no positive knowledge of it.

Question. Are these cases referred to the clerk of the court for adjustment?

Answer. Yes, sir; I have been told so.

Question. To determine what?

Answer. The amount of the claim.

Question. And to do that the clerk must have papers from the custom-house?

Answer. Yes, sir; the entries.

Question. Was not that adjustment previously done at the custom-house?

Answer. Yes, sir; some years since.

Question. Is there any difficulty in the way of its being done there now?

Answer. No, sir; and never has been.

Question. Would the doing of it at the custom-house involve any extra expense whatever?

Answer. It would require some few additional clerks perhaps, but that duty ought all to be performed in the custom-house, in my judgment, as the papers are there, and the officers there are familiar with them.

It is perhaps due to myself to say, that in relation to any improper action or neglect upon the part of the district attorney, I know nothing, but I have heard it from so many sources that I have little doubt about it. I think parties have obtained judgments who could not have obtained them if due attention had been given to the matter. Perhaps the district attorney has more business than he can attend to.

NEW YORK, *October 24, 1864.*

ALBERT HANSCOM, being recalled, testified as follows:

By Mr. Hulburd.

Question. Have you any additional information to give the committee with reference to invoices in the custom-house.

Answer. I wish to add to my former testimony that the act of March 3, 1863, requires, in all cases, invoices should have annexed thereto a declaration showing certain facts, and the law provides that unless such declaration is annexed the goods shall not be admitted to entry at the custom-house, except under certain circumstances, which are to be provided for by the Secretary of the Treasury. In a large proportion of cases where the invoices have come under my observation those declarations do not conform to the requirements of the act, and therefore entry *should not* be permitted on invoices with such imperfect declarations; as a general thing, in allowing entries to be made at the custom-house, these documents are not properly scrutinized by the entry clerks; and it is a good deal the fault of the custom-house that this erroneous practice of consuls continues to be permitted; because if the custom-house authorities required the law to be carried out strictly, the merchants would find it for their interest to procure proper certificates. The hurried mode of doing business, as well as the want of a proper force of persons to examine entries at the time of their first receipt and passage at the custom-house, permits the continuance of this improper practice. The entry clerks seem to have the idea that they are obliged

to accept and pass through any number of invoices and entries that may be presented to them, and therefore, in order to get through with the business, they cannot give a proper investigation to the papers; and the result is a general practice of loose and imperfect examinations of all the papers. My experience is that among the papers taken from the custom-house into court there is not one in twenty that has not some imperfection or flaw in it which ought to have been corrected at the time it was made out and passed. That is also the experience of other revenue officers that I have conversed with on the subject.

Question. Does your experience suggest where the fault is, and how the corrective may be applied?

Answer. I think that these defects can only be corrected by the collector requiring the law to be conformed to in all respects whenever an entry is made, and by the rejection or refusal of entries proposed to be made upon imperfect papers, so that merchants shall not get the impression, as they seem to have, that anything can be passed through the custom-house, and it is of no consequence whatever whether their invoices, declarations, entries, &c., conform to the requirements of law or not. A proper corps of intelligent officers should be employed in sufficient force to make examinations of these papers at the time they are presented, for the purpose of making entry of imported goods.

Question. Such a requirement would necessitate quite an addition to the present force, would it not?

Answer. Yes, sir.

Question. But would not the result of that probably be a great increase of duties?

Answer. It would add greatly to the revenue, in my opinion, far beyond the expense thereby incurred. The additional expense would be but a small percentage of the saving. Not only should the force employed in receiving and passing entries of merchandise be increased, so as to insure an opportunity for the proper examination of the necessary papers, but the clerks employed for that purpose should be thoroughly acquainted with the laws and regulations relative to imported goods, which, with a few exceptions, has not been the case; and they should understand that the revenue laws are made to be executed, not to be set aside at the discretion or convenience of revenue officers. In my opinion the defects in the execution of the revenue laws are much greater than in the laws themselves.

NEW YORK, October 28, 1864.

ALBERT HANSCOM, being recalled, testified as follows:

By Mr. Hulburd:

Question. Does not the consular certificate make the importation at the custom-house *prima facie* all straight?

Answer. Practically it does so, because the revenue officers hesitate to prevent an entry being made of the goods on account of an imperfection in the consular certificate, although they have a legal right to do so. They hesitate to do so because the importer represents it as a hardship that he should be held responsible for the neglect of a consul to perform the plain duty of requiring proper declarations to be made to the invoices. Therefore, as a general thing, the practice is, where any declarations are annexed to the invoices, to admit the goods to entry. I understand that, within a few days, some invoices have been rejected, or the parties required to give bonds to produce properly certified invoices in cases where the shipper has certified that he was the manufacturer; that the goods were shipped on his account; and then went on to state that the invoice showed the cost of the goods, and not the market value, as should be shown in that case.

Question. How long have you been connected with the custom-house here and in Boston; and how long has this branch of business been under your attention?

Answer. I have been about seventeen years in the custom-house here and in Boston. When I was deputy collector in Boston for about five years, every branch of revenue business came under my supervision and direction as deputy collector for a portion of that time. Before that I was clerk in the custom-house in Boston.

NEW YORK, *September 22, 1864.*

CORNELL S. FRANKLIN, a witness, being duly sworn, testified as follows:

By Mr. Hulburd:

Question. Are you connected with the custom-house?

Answer. Yes, sir.

Question. In what capacity?

Answer. I am deputy naval officer.

Question. How long have you been such?

Answer. I have been in the custom-house since 1841, and have held my present position since 1849.

Question. As deputy naval officer, do cases of seizure come before you?

Answer. Occasionally.

Question. The committee wish to inquire of you particularly in reference to a case which is known in the custom-house as the coffee case. What do you know about that case?

Answer. That was a case of Jonathan Sturges, involving three or four thousand bags of coffee. It occurred eighteen months or two years ago.

Question. Please state what that case was.

Answer. I called the attention of the naval officer to the large amount of damages allowed in that case. I thought it was excessive. I cannot tell now the amount without reference to the papers. I had been informed that a practice had grown up in the appraiser's office of estimating damages on coffee with reference only to the stains on the bags, when oftentimes the coffee might not be damaged at all. I was told likewise that two hundred bags of that coffee had been sold as sound coffee. The papers were got up and placed in charge of the naval officer, who caused an investigation to be instituted. If I remember aright it was placed by the proper authorities into the hands of Mr. McElrath, the general appraiser, for examination. I never saw the report. The matter passed from my supervision entirely, but I learn it was adjusted by paying the damages. I understand the appraisers instituted a re-examination and the original return was adhered to. If I remember aright the damage was allowed just as it came from the appraisers. There was also an unusual deficiency in weight, which matter was also examined into, but I do not know what the result was. The matter then passed into the hands of the collector, and I had but little knowledge of it afterwards. Mr. Dennison, the naval officer, saw the collector repeatedly about it, as I learned from him, and in the presence of Mr. Sturges.

Question. Can you approximate to the amount of damages?

Answer. No, sir, not without the papers.

Question. What was the number of bags?

Answer. It was some thousands. Every allowance for damages is referred to the naval officer after it has passed the collector's office. This, if I remember aright, was referred to me. A bag of coffee may be injured in its market value by the bag being defaced, and if sold at auction, unless you examined the coffee particularly, you would not give as much for it as you would if the bags were clean, and yet the coffee might be good. The coffee has only to be placed into new bags to remove all objection.

Question. Do you think the appraiser in that case proceeded upon wrong principle in adjusting the damages?

Answer. I was told, in reference to this coffee, as also in reference to another case, that the appraisers predicated their percentage of damage upon the stains of the bags, without examining the coffee. And as proof that the coffee was sound, I was told that two hundred bags of it were sold as entirely sound coffee. It was for that reason that I submitted the case particularly to the naval officer, and told him what I understood the practice had been.

Question. In case there is a diversity of opinion in an important case, as to the quantity of damaged sugar or molasses or other goods, would that matter necessarily come before you?

Answer. Yes, sir, the clerk of the bureau to which the matter belongs would submit it to me or my associate deputy, if there was anything unusual. It is a common thing for a clerk to come to me and say that such and such an allowance appears to him to be very large indeed. Then I look into the matter.

Question. Are samples of damaged articles submitted to us?

Answer. No, sir, never.

Question. Then your review of the case is upon the statement of the government official, and importers, and the papers?

Answer. If the damage is very large, I would get up the ship's papers to see whether the ship encountered heavy weather. In some cases I would find that some of the cargo had been thrown overboard, and that would render it reasonable to suppose that the goods had been damaged. Sometimes other merchants would say that their goods also were greatly damaged. Perhaps I would find in the officer's return that fifty or a hundred hogsheads of sugar were empty, all the sugar having washed out.

Question. In this coffee case was it your opinion that there was an error of judgment rather than an erroneous principle upon which the case was decided?

Answer. It seems to me to have been an erroneous principle.

Question. Are appraisements yet made upon that principle?

Answer. Not that I am aware of.

Question. That practice has ceased?

Answer. So far as I know, I am inclined to believe it has.

By Mr. Rollins :

Question. Do they now examine contents of the packages or cases, rather than judge from outside appearances?

Answer. So far as I know they do. Latterly I have heard no complaint, nor have I seen anything to attract attention.

Question. How do the damages now paid compare in amount with those paid in years past?

Answer. I think they are less.

Question. Then, in your judgment, the business is conducted more for the interest of the government than heretofore?

Answer. I think so. The naval officer has taken great pains to correct evils of every description, yet the falling off in damages may be accounted for upon another hypothesis. The goods which come into port now in our steamships are not as likely to be injured as those which formerly came in sailing vessels.

Question. Do you know of any other case of abuse to which you wish to call the attention of the committee?

Answer. No, sir.

Question. Are you aware of any evils now existing which ought to be corrected?

Answer. I am not aware of anything of that kind now.

Question. Are you aware of any arrangement in the appraiser's store by which there might be a collusion with the importer, so as to enable him to obtain an excessive percentage of damages on goods injured?

Answer. No, sir; I have heard rumors of that kind, and if I am not mistaken, something of that kind was alleged in reference to that coffee case, but I do not know whether there was anything in it. It induced me, however, to look carefully into the question of damage of Sturges's coffee, and into one other case. Both were submitted to the naval officer. This coffee case was on the tapis a long while before the allowance was made. The naval officer had possession of the papers for some weeks.

Question. Your opinion is that the principles I have spoken of are not tolerated now in the appraiser's store?

Answer. I should judge there was nothing of that kind now, and I have not had my attention called to any excess of damages for several months.

NEW YORK, *September 26, 1864.*

WM. S. GERRISH, a witness, being duly sworn, testified as follows:

By Mr. Hulburd:

Question. Are you connected with the firm of Howland & Aspinwall?

Answer. No, sir; I am United States storekeeper in charge of Howland & Aspinwall's store, which is a general bonded warehouse of the government.

Question. How long have you been in that business?

Answer. Two years last March.

Question. Can you give the committee any information of the manner in which teas are appraised when there is a claim for damages?

Answer. From March, 1862, to March, 1864, I was storekeeper at A. A. Low & Brother's store, which is a private bonded warehouse for their own importations exclusively. On the arrival of a cargo of teas on which a claim for damages was made, the porter in taking in the teas would select out all damaged or stained packages, and put them by themselves. After the cargo was all in, he would go through and take the number and mark of each package, and return that to the office of A. A. Low & Brothers, up stairs. On the strength of that they would make out their application for damages. In due course of time down would come the appraisers or examiners, generally two of them—Hart and Wells. They would hold in their hands this application for damages on goods, and would go and look at the chests. There would sometimes be five or six hundred chests or half-chests of tea on which damages were claimed. They would look at the chests, and one of them would say, Well, I guess we will make the damages so much; and that, too, without examining the tea at all. I was astonished when I saw the way they examined damaged teas. I supposed they would tear off the mats and look into the chests, but instead of that they jumped at conclusions and asked the porter if that was all right.

Question. Was the examination invariably so conducted?

Answer. Yes, sir. Perhaps there would be a room piled up full, and they might climb up and look over, as there were only two sides exposed to view, being in a corner. I suppose they counted the packages as well as they could, but they would take the porter's representation about it.

Question. Could they, from the mode and manner of examination, judge of the amount of damage?

Answer. They could not.

Question. What did they judge from?

Answer. From the general appearance, by just looking at the pile. You know it is the custom in New York to put the most damaged in front.

Question. Were these two gentlemen you have named the usual appraisers?

Answer. I never saw any others there.

Question. Did that long continue?

Answer. As long as I was there. I did not like the appearance of things, and I would sometimes watch to see how they would come at the percentage of dam-

age, and I found they did it in the way I have stated. In that lot of tea I should think there were six or eight hundred packages, and I do not think the appraisers were there over ten minutes.

Question. Is that mode of appraising damages in practice now?

Answer. Nothing of the kind has occurred in my present place.

Question. Who are the appraisers of teas now?

Answer. I do not know.

Question. Did you ever have any reason to suppose there was any understanding as to a consideration passing to these appraisers?

Answer. My impression is there was, and that is my conviction. I think there must have been.

Question. Can you give any particular information on the subject?

Answer. I cannot.

Question. What goods are received in the store where you now are?

Answer. Tea, coffee, hardware, wines, &c.

Question. Are there claims for damages on all those?

Answer. There has been only one claim for damages since I have been there; I did not see the transaction. I think they made two or three classifications in the damage room, and as they saw fit.

Question. Were they the same examiners?

Answer. I believe so. I remember having had a conversation after leaving Low's store with Mr. Wells, and I think he told me about this classification. I understood that it was done under orders from the custom-house.

NEW YORK, *September* 28, 1864.

JOSHUA R. S. OLIVER, a witness, being duly sworn, testified as follows :

By Mr. Hulburd:

Question. Are you connected with the custom-house?

Answer. Yes, sir.

Question. How long have you been so?

Answer. During this administration.

Question. In what capacity?

Answer. In the bonded warehouse.

Question. As United States storekeeper?

Answer. Yes, sir. Mr. Chase recommended me.

Question. In what storehouse are you?

Answer. In the Judd stores. I was removed from the store of Miller & Conger four or five months ago.

Question. What kind of goods were received at this store of Miller & Conger?

Answer. Tea, coffee, sugar, and dry goods.

Question. Were damaged goods and goods in good condition brought there?

Answer. Yes, sir.

Question. Who selects out the damaged goods, and how is it done?

Answer. That depends upon circumstances. I will take coffee, for instance, as there were more of that kind of goods damaged than any other. The storekeeper receives the coffee—say 5,000 bags, more or less. It comes in, good and damaged, all together. The damaged bags are usually selected out and placed by themselves.

Question. Who selects them?

Answer. Nobody but myself and assistant, and the foreman. I merely receive the bags from the carts, and the foreman takes them, selects them out, and places them where they ought to be placed.

Question. Who is the foreman?

Answer. He is the foreman belonging to the bonded warehouse.

Question. The foreman of the proprietor?

Answer. Yes, sir. I select it according to the *chops*, each one of which has its own number and mark. Each *chop* is of different quality.

Question. Who sorts out the damaged from the good?

Answer. The coffee is placed in *chops* by the foreman, so that it may be got at easily. Then come next the appraisers. But previous to that the samples come in. The samples are generally sent in by the owners. The appraisers examine it, and, I presume, determine how much percentage of duty is to be taken off.

Question. What do the appraisers do?

Answer. They do very little. They come in and the foreman goes around with them and shows them the *chops*, which they look at. I have watched them to see what they do. They then go away and I see no more of them. They go to the custom-house, I suppose, and state how much percentage ought to be taken off the bad coffee.

Question. You say the foreman goes around with the appraisers and shows them the *chops*. Do the appraisers draw any coffee from the bags?

Answer. I have seen them draw coffee, and I have seen all manner of tricks played with it. I have seen an appraiser come there with a man sent by the owners, I suppose, and I have seen him with good coffee in one pocket and bad coffee in another. I know the government has been swindled out of a large amount of money. I have seen the man take good coffee out of one pocket, and show it to the appraiser; and bad coffee out of the other. What the object was I do not know.

Question. Where did he get his bad coffee?

Answer. I do not know. There is always a plenty of bad coffee in the warehouse.

Question. Do the appraisers always draw coffee from the bags?

Answer. No, sir; very rarely.

Question. When they do not draw, how do they get at the amount of damage?

Answer. I can only suppose they guess at it. They look at it and give their opinion that it is damaged, and go to the custom-house and report so much damage, and then so much per cent. is taken off.

Question. May not the bags be wet and stained, and yet the coffee itself be perfectly good?

Answer. Yes, sir, perfectly sound.

Question. How, then, do the appraisers get at the damage?

Answer. They guess at it. I can show stained bags where the coffee is perfectly sound.

Question. Do you know what percentage is usually taken off?

Answer. I do not, but I understand considerable is taken off.

Question. Do you ever hear those parties talk among themselves?

Answer. No, sir.

Question. Where coffee is drawn by the examiner, how many bags are drawn from?

Answer. It may be that they will draw fifty or sixty samples from four or five thousand bags, and of course if they want to get a drawback they take the samples from the worst looking bags.

Question. Who points out the bags from which the samples are drawn?

Answer. The foreman. There is nobody else there with the men who come to inspect, and I have been abused for showing myself there.

Question. So far as you know, do the appraisers draw from the bags pointed out by the foreman?

Answer. I never saw an appraiser draw samples.

Question. Who does it?

Answer. The foreman himself.

Question. Are any directions given by the appraiser to the foreman ?

Answer. I cannot say.

By Mr. Rollins :

Question. If coffee is drawn from the damaged bags, would not the samples show what the damage was ?

Answer. No, sir ; not at all times. I can draw a sample from a bag which is damaged, but I can draw it from a part of the bag where the coffee is sound.

Question. Did you ever know of more than one case of that kind at the first store where you were ?

Answer. Yes, sir ; two or three.

Question. Would you say that while you were in the store of Miller & Conger there were several cases where the inspection was of the character you have described ?

Answer. Yes, sir.

Question. In the examination of these different *chops*, how long a time is usually occupied ?

Answer. Very little. We have just had an examination of a cargo of 4,500 bags. The appraiser, Wells, was there when I left, and I do not believe he would be there more than twenty minutes at the outside.

Question. Was that coffee damaged ?

Answer. From appearances, a great deal of it is damaged.

Question. How much time is generally consumed in the examination of a cargo ?

Answer. Twenty minutes, or a quarter of an hour at the outside.

Question. Is that true of the largest cargoes that come in ?

Answer. Yes, sir.

Question. Of cargoes of four or five thousand bags ?

Answer. Yes, sir ; and even more.

Question. Were those bags anything more than soiled ?

Answer. Some of them are stained scarcely any.

Question. How many of the bags are damaged ?

Answer. The warehouse man says there were about 500 bags stained and supposed to be damaged.

Question. To whom does the coffee belong ?

Answer. I do not know.

By Mr. Hulburd :

Question. Have you had any cases of appraisement of damaged goods in the storehouse where you now are ?

Answer. Yes, sir ; several.

Question. Other than of coffee ?

Answer. Nothing but coffee.

Question. What has been the practice at this store ?

Answer. The same as I have already described. Either Wells or Hart come and look at it.

Question. Do they come together ?

Answer. Sometimes.

Question. In your opinion what is the effect of such appraisements, so far as the government is concerned ?

Answer. The system is a bad one, and is attended with loss to the government, because the man who makes the examination, I have no doubt, is bribed by the owners. That has always been my impression. It is only a supposition, however, but I cannot help thinking it is so.

By Mr. Rollins :

Question. Are damages allowed on most of the importations of coffee ?

Answer. Yes, sir; there is scarcely an importation on which damages are not allowed, and I do not wonder at it.

Question. Why?

Answer. Because I think the system of examining coffee is a bad one.

Question. What better system could you suggest?

Answer. By having different men and more of them.

Question. You do not know what damages are allowed?

Answer. No, sir; I know the man who inspects the coffee goes into the custom-house, and whatever he says is the damage is allowed. That is what makes me think there is bribery there.

Question. When will the coffee be removed from the storehouse?

Answer. In a few days, I expect.

Question. How much of it do you suppose is damaged?

Answer. It was said there were 500 bags damaged, but I suppose there are really from 150 to 200 bags damaged. I told Mr. Lobdell that the government must lose immensely through this drawback business on coffee alone.

Question. Do you recollect any other case of appraisement of damaged coffee, the particulars of which this committee should know?

Answer. Yes, sir; I recollect the case of the cargo of the *Anna Jones*, 2,800 bags, which was imported by Fachiri & Co.

Question. How much of that was reported damaged?

Answer. 961 bags.

Question. Were the appraisers called to pass upon it?

Answer. Yes, sir.

Question. What did they do?

Answer. Just what I have said they always do.

Question. Was the coffee sorted out into *chops*?

Answer. Yes, sir. On that lot it is my belief there was not a hundred dollars damage.

Question. How long ago did that case occur?

Answer. I cannot tell; only a few weeks—four or five.

Question. Do you know how much the appraised damage was?

Answer. No, sir; I tried to find out, but I could not.

Question. Were you present when it was appraised?

Answer. No, sir.

Question. Are there any other similar cases you think of?

Answer. No, sir; I believe that is all.

NEW YORK, *September 17, 1864.*

ALMON W. GRISWOLD, a witness, being duly sworn, testified as follows:

By Mr. Rollins:

Question. Where do you reside?

Answer. In New York city.

Question. What is your business?

Answer. I am a lawyer.

Question. Is the prosecution of claims a portion of your business?

Answer. There is a kind of business done here which is called the prosecution of claims, and it consists of brokers and others going to the Treasury Department with applications for the return of duties on the ground that they have been illegally exacted, and these parties use moral suasion, as they call it, without a judicial decision, or anything of the kind. I have not, for a number of years, made application to the Treasury Department for a return of duties, except where I have first brought a suit against the collector, been into court and tried it, and got a verdict and judgment. I have then asked the Treasury Department to pay such judgments. I do not, therefore, call myself a claim

agent, or anything of the kind. I go into court and prosecute a case against the collector as I would against anybody else.

Question. After all, then, your business has been the prosecution of suits against the government?

Answer. The prosecution of suits against the collector, to some extent. For instance, in 1855, I tried in the United States circuit court in Boston, and in New York, a series of cases upon the question of inland freight that had been added by the collector, upon instructions, as I understood, from the Treasury Department, to the market value of the foreign merchandise abroad; I mean inland freight. For instance: Goods shipped from Lyons to New York are sent to Havre. If no vessel is coming directly from there to New York, the goods are sent via Liverpool. When the goods arrive here they add a certain per cent. of charges from Lyons to Havre, and also certain other amounts as freight from Havre to Liverpool, or from Havre to Southampton, as the case may be; taking the ground that the goods were exported from Liverpool or Southampton, and not from Havre. I got a decision from the circuit court of Massachusetts and the circuit court of New York on that question two or three times, and then I asked Secretary Guthrie to acquiesce in those decisions and put an end to the exaction of those duties, and, where they had been paid under protest, to refund them; and on the 4th day of October, 1856, Mr. Guthrie wrote a letter, of which the following is a copy:

TREASURY DEPARTMENT, *October 4, 1856.*

SIR: An application being made to you by Messrs. A. Iselin & Co., and others, of New York, you are authorized and directed to cause to be prepared the usual certified statements for return of "duty on freight," in such cases where the same has been found to have been paid in excess, as decided by this department in General Regulations, No. 63, page 22, and under written protest, and transmit same to this department for its consideration.

Very respectfully, your obedient servant,

JAS. GUTHRIE,
Secretary of the Treasury.

H. J. REDFIELD,
Collector of Customs, New York.

Under that decision the collector commenced refunding the duties, and refunded, I suppose, thirty or forty thousand dollars. When Mr. Schell came into office as collector, a clerk in the custom-house came to me and wanted me to make an arrangement with my clients in these cases, of which there were a large number, that certain persons he named, outside of the custom-house, should have a percentage of the money recovered. I told him I could not understand why I should do so, as the courts had decided that these payments were illegal; the department had given instructions to refund the money, had commenced refunding, and were going on with it, very slowly, I admitted, but were going on with it, and I did not know why my clients should pay anybody commissions upon the money. He wanted me to think of it, and would see me again. He came to see me again, and I told him I could see no reason for my doing so, and I asked him what possible advantage it would be for me to do it. He said the accounts would be made up and paid right away. I replied, "You do not mean to say if I do not pay it they will not be made up and paid?" He said, "Yes, I do mean so."

Question. What was the name of that clerk?

Answer. Robert Grant.

Question. Is he an *attaché* of the custom-house now?

Answer. No, sir; but he was for a long time afterwards. I declined to do it, and immediately after Mr. Schell came into office the payment of these claims

was suspended under various pretences. I applied to Mr. Schell upon the subject, and he referred me to the auditor, and finally the answer Mr. Schell gave was, that the statements must be prepared outside of the custom-house; in other words, that there was no provision in the custom-house for the services necessary to prepare these statements to be sent to Washington, and he could do nothing about it unless the statements were made up and presented to him for certifying, and then he would examine them, and, if correct, transmit them to Washington.

Question. Who were those parties outside of the custom-house who this clerk proposed should have a percentage of the money received?

Answer. They were Mr. Douglas, a claim agent, and his associates. The clerk who made this proposition was in the record office of the custom-house, and had charge of the records, invoices, and entries which were necessary to be got up in order to have these claims liquidated.

Question. Who has held the same position recently?

Answer. I do not now remember the gentleman's name, but he was from Syracuse, and is a brother-in-law of Chase. This Mr. Grant came to me in July, 1857. When Mr. Schell said he could only certify statements already prepared and found to be correct upon examination, I told him that was quite satisfactory if he would allow my clients, or their attorney, to have access to their invoices and entries in the custom-house, for the purpose of preparing the statements. That, he replied, was wholly inadmissible. As I knew I personally could have no influence with the Secretary of the Treasury, I employed other parties to see him.

Question. Who was then Secretary of the Treasury?

Answer. Howell Cobb. I finally found a gentleman who had held the position of Assistant Secretary of the Treasury, who got the ear of Mr. Cobb, and on the 21st of May, 1858, Mr. Cobb wrote to Mr. Schell, who had then for a year declined to certify any of these cases, a letter of which the following is a copy:

TREASURY DEPARTMENT,
May 21, 1858.

SIR: I would call your attention to the instructions of the department dated October 4, 1856, wherein authority is given to prepare and transmit the usual certified statements for return of duty on "sea freight" paid under written protest. As the parties who represent several of the claims have made complaint of the delay attending the preparing of the same in your office, you are requested to have the above instructions complied with at your earliest convenience.

I am, respectfully,

HOWELL COBB,
Secretary of the Treasury.

AUGUSTUS SCHELL,
Collector of New York.

Mr. Schell utterly declined to prepare and certify these statements, upon the ground, as the auditor informs me, that this letter was uncivil and peremptory in its tone, and he would not listen to it. During the pendency of these negotiations, the question came up whether or not these claims would not be barred by the statute of limitations, as they extended back to the early part of 1853, and it had then got to be 1858; five years had already gone. Perhaps it was a year later than this that the question of the statute of limitations came up. I asked Mr. Ogden, the auditor, whether or not these claims would be barred by the statute unless suits were commenced; he said they would not, as it was a rule of the department, that where a claim for duties overpaid had been recognized as being a valid claim against the collector, and an application had been made for its return, the statute ceased to run from the date of the application, as all subsequent time was time taken by the government. I used every

effort, and brought all the influence to bear I could, to induce Mr. Schell to resume the payment of these claims, and to induce the department to enforce their payment, but without any effect; Mr. Schell still continued to decline certifying or paying them, and early in 1859 I brought a large number of suits to enforce the payment of these very claims, which the courts had already decided were legal, and which the department had recognized as legal, and had ordered the refunding to be made. A number of these suits were tried in the autumn of 1859 and the spring term of 1860, and we recovered of course. These verdicts were taken subject to adjustment at the custom-house; in other words, statements were to be made out at the custom-house the same as they were to be made out under the instruction of the Secretary of the Treasury without a suit. When a number of verdicts were taken, I supposed there would be a resumption of the payment of these cases without further cost, without going through the formality of a trial, but Schell still refused to make up any of the cases except those in which verdicts had been recovered, and those were made up very tardily indeed; in fact, scarcely any of them were made up, and when Schell went out of office I had ninety of those verdicts against the collector, nearly all of which had been standing from the autumn of 1859 or spring of 1860—a year and a half at least. I made every effort to have those verdicts adjusted at the custom-house, but without avail; they did not make up one case in a month. When Mr. Barney came into office, I went to him about it; he said the matter was under the control of Mr. Ogden, the auditor of the custom-house, and that he would speak to him about it. I had repeatedly spoken to Mr. Ogden about the matter during Mr. Schell's administration, and also after Mr. Barney came into office, but there was no improvement. Finally I was obliged to go to the court and represent to the court the fact that at that time I had nearly a hundred verdicts, a large number of which had been standing two or three years unadjusted.

Question. Did the government contest these cases?

Answer. They did for a long time, until, finally, Judge Nelson, when one of these cases would be called up, would inquire of the district attorney if there was anything different from the cases tried before. Upon his replying that there was not, the judge would reply that the court had other business to attend to than to try the same question over and over again—a question which the Treasury Department itself had recognized, and now recognized—and he allowed us to take a verdict without further trial. Judge Roosevelt wrote a long letter, which he read to me, to the Secretary of the Treasury, the substance of which was, that it was disgraceful to the government to resist the payment of this money upon a claim so perfectly clear as this was; and thereupon the Secretary issued instructions to the collector here to invite the claimants to discontinue their suits without making further costs, to adjust the amounts, and certify the statements, and send them to Washington for payment.

Question. Who was Secretary of the Treasury at that time?

Answer. I think it was Mr. Cobb. Still they did not do it; that is, not in my cases. They resorted to all sorts of pretexts to put off the matter. I finally represented to the court that these verdicts which were taken and referred to the collector for adjustment were not adjusted, and upon such representation the court revoked the orders of reference of all these cases to the collector, and referred them to the clerk of the court for adjustment, and, upon a subpoena *duces tecum* being served upon the collector, ordered that the proper papers, invoices, and entries should be sent to the clerk of the court, to enable him to make these adjustments. The court refused to refer any more cases to the custom-house, because of the delay which existed in their adjustment, and for the further reason that it had been discovered that we had been cheated out of large amounts in making the adjustment at the custom-house. The adjustment being made behind our backs, they would put in what they saw fit, and we took what they gave us, supposing that they gave us what we were

entitled to under the decisions of the court. But we found out afterwards that they had not, either designedly or from mistake or accident, done so. There are now on my docket, I should say, from ninety to one hundred and twenty of those verdicts, which are unadjusted, although the clerk of the court employs two men for that purpose. After they are adjusted by the clerk of the court, he sends them down to the custom-house, where they are examined in the collector's office and in the naval office before they are sent to Washington.

By Mr. Hulburd:

Question. Who is the clerk of the court?

Answer. Kenneth G. White.

Question. What is the cause of this delay?

Answer. The clerk is driving along as fast as he can; but the number of verdicts is very large. I have obtained a large number since the court referred the cases to the clerk. At the time they were so referred, I suppose there were awaiting adjustment from ninety to one hundred long and difficult cases, the adjustment of many of which would each consume the time of a man a month. There has also been a great deal of delay in getting papers from the custom-house. It would have been better if I had stated that subsequent to my getting these decisions in 1855 upon the question of freight and charges, I also got, in the latter part of 1856 or early in 1857, another decision upon the question of commissions, which the department also acquiesced in. And then, for the purpose of making as little work as possible, the department refunded both freight and charges and commissions all under one statement; and when, in 1859, I found it necessary to commence suits, we brought our suits for excess of duties paid on charges and freight, and also on commissions, so as not to multiply suits and costs of action more than was necessary. After the district attorney here had written to the Secretary of the Treasury that it was useless to litigate those suits—a large number of which I had brought in order to prevent their being barred by the statute of limitations, and for the purpose of enforcing the collection of them—the department wrote here, giving instructions to refund in those cases. They commenced to refund, and did refund in cases other than mine. To illustrate the partiality which I insist has been practiced, I will give an instance. This Mr. Douglas made an application to the Treasury Department in behalf of certain parties, among whom was one of my clients. He went to Vyse & Son and asked them for a list of their importations. It was furnished to him, as they told me afterwards, upon the supposition that he was a brother of mine, and wanted it for me. Douglas made application to the Treasury Department to have the duties refunded, and here is a copy of the answer by Mr. Chase to Mr. Barney in reference to the matter:

TREASURY DEPARTMENT, *October 1, 1861.*

SIR: Your letter of the 28th ultimo, relative to the application of Vyse & Sons, Desarts & Henser, and Geo. L. Henser for the return of duties paid in excess on commissions beyond the usual rates in China and in Continental Europe, has been received. You are hereby authorized and directed to prepare and transmit for my consideration the usual certified statements for the return of the amounts paid in excess where the laws and regulations of this department have been duly and fully complied with by the importers. * * * *

S. P. CHASE,

Secretary of the Treasury.

HIRAM BARNEY,

Collector of Customs, New York.

It so happened I sent to Vyse & Son for a list of their importations, or rather they had furnished me with it, and upon calling for those entries for the purpose of having the claim made up, I learned that the entries had already been got up and delivered to the refunding clerk in the custom-house and upon making inquiries as to how it happened that they had been got up, I learned that they

had been got up upon a bill of particulars furnished by Douglas. I sent to Vyse & Son to inquire about it, and they informed me that they had furnished no list of their importations to any one besides myself. Upon further inquiry, they said a gentleman called upon them whom they supposed to be my brother, and they had furnished a list to him. Upon that the papers had been got up and placed in the hands of the refunding clerk in the auditor's department. The entries are now missing, and are not to be found. The claim has never been refunded, and the papers have been taken from the auditor's office, I am informed, except a very small portion of them. The other claims authorized to be refunded by this letter of October 1, 1861, to which I have referred, were made up May 11, 1862, and paid in October, 1862. As an illustration of this manner of doing business, I will take the case of *Dambmann vs. Redfield*. A suit was brought in this case November 1, 1859, just in time, to a day, to prevent the statute of limitations running against the claim. The case was tried, a verdict for the plaintiff recovered, and reference made to the collector for adjustment May 11, 1860. Every effort was made between May 11, 1860, and May 2, 1863, to induce the collector and auditor to have the amount adjusted according to the order of the court, but without success. On the 2d of May, 1862, I made application to the court to have the order of reference to the collector revoked, and the case referred to the clerk of the court. Subpoenas were then served upon the collector to produce the entries before the clerk of the court. Nearly one-third of the entries were not to be found. They had been taken from the files, as was represented by the record clerk, and were not to be found; and finally the claim was adjusted upon such of the collector's entries as could be found, and we had to get the entries from the naval office for the remainder. Subsequently, after the amount had been adjusted, the entries made their appearance somewhere in the auditor's office, and they are now, I understand, with the statement. Judgment was entered up in that case on the 14th of July, 1864, and it was stated to me by the assistant of the refunding clerk, on the 17th of July, that the statement had been transmitted to the Treasury Department for payment. That statement has not been paid, and the reason assigned by the clerks in the Treasury Department, and by the assistant treasurer, is that there are no funds. I am informed that there are a large number of similar statements, transmitted to Washington up to the 25th of August, which were paid as long ago as the 14th of this month. Among these statements which I understand have been transmitted and paid since mine, I mention the case of *C. Luling*, which was transmitted August 3 and paid August 17; the case of *Sturges, Bennett & Co.*, which was transmitted on the same date and paid September 3; the case of *Napier, Welford & Co.*, transmitted July 22, paid August 11; the case of *Yznaga & Co.*, transmitted August 3, paid August 19; and the case of *Bliss, Briggs & Douglas*, transmitted August 25 and paid September 14. There were numerous other cases.

Question. Are all these Douglas's cases?

Answer. I do not know whose all of them are. I believe they are Douglas's and Culver's. Immediately or shortly after getting these orders of reference to the collector revoked, and as soon as the clerk of the court began to adjust the cases, the fight against my cases commenced at the custom-house in earnest. I think it was in January, 1862, that I made the first application to have the orders of reference revoked in some of the cases, but I will not be positive as to the date. To illustrate the animus manifested towards my cases, I will take three cases of *Boorman, Johnson & Co.* In January, 1862, I gave notice to the district attorney to produce the invoices and entries according to the bill of particulars which had been served upon him, so that I could be ready for trial about the 14th of February. Under date of February 7, 1862, the district attorney addressed a letter to the collector, sending him the bills of particulars in those cases. The following is a copy of the letter:

OFFICE OF THE DISTRICT ATTORNEY OF THE U. S.
 FOR THE SOUTHERN DISTRICT OF NEW YORK,
New York, February 7, 1862.

SIR: Will you send me at your earliest convenience all the papers, entries, invoices, protests, &c., covered by the bills of particulars, copies of which are herewith transmitted, in the suits of J. Boorman et al. *vs.* H. J. Redfield James Boorman et al. *vs.* Greene C. Bronson, and James Boorman *vs.* Hugh Maxwell, and oblige,

Yours respectfully,

E. DELAFIELD SMITH,
United States District Attorney.

HIRAM BARNEY, Esq.,
Collector of the Port.

No attention at all was paid to this letter. I went into court to try the cases, expecting these papers would be produced, but the attorney informed me they had not been furnished, and I thereupon caused a subpoena *duces tecum* to produce the entries in these three cases on a certain day—three or four days afterwards—to be served on Mr. Barney, the collector.

I understand that the collector pursued the course which is usual in such cases, and sent the subpoena, with the fees, to the clerk of the record office, with directions to get up the papers. Upon the return day of the subpoena the record clerk did not come, but a message came to me from Mr. Grant that he wanted to see me. I inquired what he wanted to see me about, and he said the papers in these cases could not be found. The case was again postponed, and I met Mr. Grant going up to court, and he said he could not find those papers, but that if I would give him two hundred dollars upon condition that he could find them, he would make an effort to find them; but if I would not do that, I might go to hell.

I went to see the collector, but he was absent in Washington, I think. Finding I could not get the papers, I went to my clients, Boorman, Johnson & Co., and told them my difficulties, when one of the firm told me they had copies of all their entries made in a book, which were exact duplicates of their entries made in the custom-house, and that they had copies of their invoices. I replied that that was all that was necessary, and that if they could swear to those, we could go on and try the case on those copies just as well as upon the originals, I having served a proper notice to produce the originals.

In the mean time Mr. Barney returned from Washington, and I saw him. I stated to him what a clerk of his had demanded, and he immediately assured me that the matter should be looked into, that the thing should not occur again, and that the clerk should be removed. In the mean time we went on and tried these cases, got verdicts, and the cases were referred to the collector for adjustment.

Some considerable time elapsed before anything was said upon my part or upon the part of my clients about the cases being adjusted. I think the verdicts were taken some time in February, 1862, and I do not recollect that anything was said about hurrying the matter along until some time about May, when the refunding clerk in the custom-house said he had instructions not to make up those cases.

Question. Did he say from whom the instructions came?

Answer. From the auditor. He said, as the entries were missing, there was no evidence that they had been protested. I went to see Mr. Barney about it, and he said he would look into the matter. But it was entirely in the hands of the auditor, and it went on for a short time, when I learned from the auditor that there was an objection to making up the cases; that the entries were not accessible, and not being produced, they did not know what entries were protested

and what not; that Mr. Grant said that only one or two entries were protested. I inquired, if the entries were missing, how Grant knew whether they were protested or not. On the 5th of May I addressed a letter to Mr. Barney, of which the following is a copy:

62 WALL STREET, *May 5, 1862.*

SIR: I hand you herewith the affidavits of Mr. Gordon Norrie, who was the custom-house clerk of the late firm of Boorman, Johnson & Co., and who made the entries at the custom-house referred to in those affidavits.

The entries which have been in the custody of the custom-house officers ever since the day they were made, and upon which entries the plaintiffs made their protests, are not produced, and the report of the clerk in the record office is that they are not on file in their places in that office.

The entries, over which my clients have had no control since they were deposited in the keeping of the United States officers, and which they could not even look at except in the presence of a clerk or messenger, being lost or mislaid, their protests which were annexed to the entries are of course also lost or mislaid, and they offer to you the best evidence that remains, viz., the testimony of the clerk who made them. He tells you it was their practice to pay these duties under protest, and to *note* in the *entry book*, where they kept a copy of their entries, the fact that a protest was made, and he tells you that upon reference to that entry book he finds such a *note*, and adds that he believes that protests were made in each case.

Now, as a lawyer you must, I think, admit that upon this evidence, under the circumstances of the *defendant* being in fault in not producing the entries with the protests on them, a court and jury could not hesitate pronouncing the testimony sufficient to entitle the plaintiffs to recover on these entries.

But there is other and, I think, strong corroborative evidence.

The naval office copies of these entries have each a note on the face of the entries, "*paid under protest.*"

If you should think the testimony of Mr. Norrie, who is entirely *uninterested* in this case, insufficient, I will be obliged to you for an early decision, so we may submit the matter to the court, which is now in session.

Yours, &c.,

A. W. GRISWOLD,
Attorney for Plaintiffs.

Hon. HIRAM BARNEY,
Collector.

To that I never received any answer. On the 22d of May, 1862, J. Boorman, Johnston & Co., the successors of Boorman, Johnson & Co., wrote a letter to Barney, of which the following is a copy:

90 BROADWAY, NEW YORK, *May 22, 1862.*

SIR: At the last term of the United States circuit court we obtained three verdicts against your predecessors, viz: one against Mr. Maxwell, one against Mr. Bronson, and one against Mr. Redfield, for excess of duty paid on sea freight, and additions to value of *trover*. We have received our money in the suit against Mr. Bronson. May we ask when we shall probably receive it in the other two?

Very respectfully, yours,

J. BOORMAN, JOHNSTON & Co.

Hon. HIRAM BARNEY,
Collector of the Port of New York.

To that we received no reply.

The auditor and collector failing to have the verdicts in the two cases of Boorman, Johnson & Co. against Maxwell, and Boorman, Johnston & Co. against Redfield, adjusted according to the order of the court, I moved the court that the order of reference to the collector be revoked and the cases referred to the clerk of the court. The motion was granted making the transfer, and a subpoena was served, directed to Barney, but as he was out of town Mr. Clinch's name was inserted instead, and Mr. Clinch requested my clerk to hand the subpoena to Mr. Waddell, which he did, paying Mr. Waddell the fees, and inserting Mr. Waddell's name in the subpoena in addition to that of Clinch's. Mr. Waddell brought such of the papers as could be found—the naval officer's copies, where the collector's copies were missing—and the two verdicts were adjusted by the clerk, judgments entered thereon, and statements of the judgments sent to the collector, with the certificate of the clerk of the court that the verdicts as adjusted by him were so much, and that judgments had been entered by him for so much.

In adjusting those verdicts before the clerk, Messrs. Boorman, Johnson & Co. produced their books containing copies of their entries, and proved the protest upon each entry from their own books, and judgment was finally entered in the manner I have stated, and certified copies of the statements making up the two judgments were transmitted to the collector to be certified and sent to Washington. The collector declined to certify them, alleging that there was fraud in the procuring of the judgments, and he wrote to the district attorney requesting him to make a motion to the court to open those judgments and set aside the verdicts, upon the ground that they had been obtained by fraud, &c.

Some time afterwards the auditor and collector procured the affidavit of this man Grant to the effect that he had seen those entries of Boorman, Johnston & Co., which they, Boorman, Johnston & Co., had testified before the clerk of the court were protested, and that when he saw them there were no such protests upon them; and upon that ground they asked to have the judgments opened. I had no notice of this motion until I happened to be in court, when the district attorney told me he was going to make a motion to open those judgments upon that ground. I told him I would save him the trouble of making the motion, and consent that the judgments be opened upon condition that he would allow me to file amended bills of particulars in these two cases.

I should here state that the three suits were commenced originally by another attorney several years before; but, for some cause or other, Boorman, Johnson & Co. settled with him and had the cases transferred to me. The bill of particulars upon which I had received the judgments had been filed in the cases by my predecessor, the attorney in the cases, before I had anything to do with them. The district attorney consented that I might amend the bills of particulars in each case. The judgments were thereupon opened and the cases referred to the clerk to take testimony in relation to the fraud.

I had one or two interviews with Mr. Barney in relation to Mr. Grant. I told him very frankly what the practice had been prior to his coming into office, and that was, that everybody who had any claims for return duties were obliged to pay, and did pay, this Grant a commission of two and a half per cent.; that it was an understood thing, and that it was a fact perfectly well known to Mr. Ogden, the auditor. I told him I had paid Mr. Grant the same prior to his coming into office, and also for a short time after he came into office, on cases in which he had commenced to get up the papers under Mr. Schell's administration; that I had kept my implied promise by paying him his two and a half per cent. I think these two cases of Boorman, Johnson & Co. were about the first. I attempted to have the entries got up after I had notified Mr. Grant that I should no longer pay the commission of two and a half per cent. When I told Grant

that the course he was pursuing in keeping these entries back was a very highhanded one, and that it would not answer, he told me I could not help myself; that William Allen Butler had promised Mr. Vulté, the deputy sheriff, that he should keep his place. I replied I should see. That was before going to see Mr. Barney and making the complaint I did. In this interview with Barney I was satisfied that Barney was determined that Grant should not be removed. He stated that Ogden said he was a very efficient man, and that he thought I was more to blame than Grant was, because I had been bribing him. I told Barney there was no bribing about it; that I had done only what every other person was obliged to do who had any entries to be got up.

Question. For how long a time had this contract obtained?

Answer. I came to New York from Boston ten years ago, and when I came here I had recovered some judgments in Boston, and my clients in Boston had cases here where their goods had been entered in precisely the same way. I came on here to see about having the judgments made up, and I was told then by the custom-house brokers, who had originally made the entries for my client, and by the refunding clerk in the custom-house, whose name was Griswold, but no relative of mine, that it was customary to pay the clerk for getting up the entries two and a half per cent. That was in 1853 or 1854; and I, of course, did what I supposed was necessary to do, and what everybody else did.

After these interviews with Barney above referred to, and after a great deal of delay, some months, I should think, after these judgments were opened, in October, 1862, the government commenced putting in their testimony to show the fraud. After taking testimony for several weeks, the clerk made his report to the judge of the court, the substance of which was, after hearing all parties, that he found no evidence of fraud, and I got judgment in the two cases for \$3,207 more than we recovered in the two cases in the first place.

Question. What was the amount recovered in the first instance?

Answer. \$8,344 70 recovered June 30, 1862. The latter judgment was recovered November 25, 1862, and was for \$11,551 85.

The district attorney, after a patient examination of the matter, and after the evidence was all in, desired that I should make an affidavit, and he would have Grant arrested for perjury. But Grant was missing for some time, and did not come back for some time, as I understood.

Question. Did he come back and resume his duties?

Answer. No, sir; he was suspended, but he was kept there on pay for a long time afterwards.

By Mr. Hulburt:

Question. When was he suspended?

Answer. I cannot tell. I think he was suspended before these judgments were entered the second time, but I know it was in evidence that he had a closet in the record office, and he had, by Ogden's permission, the keys of that closet long after he was removed from the custom-house, and that he had that closet full of papers, invoices and entries, and Ogden would not allow the clerks in the office to molest it, or the papers, during the time he was suspended, and for a long time after he was removed from office.

Question. How long did he occupy a position in the custom-house?

Answer. Grant went into the custom-house in 1853 or 1854. He was suspended, as he testified, on my charges, in May, 1862, and was removed in October or November, 1862.

I have brought up these instances as a sample of the proceedings in my revenue cases. After they had been whipped out in the cases of Boorman, Johnson & Co., they set up that they would not certify any of these cases because they were barred by the statute of limitations.

Question. Who do you mean by "they?"

Answer. I mean the auditor and the refunding clerk under him. After this

there were three other cases—*Masset* *vs.* Maxwell, R. H. Winslow *vs.* Maxwell, and C. B. Raymond *et al.* *vs.* Maxwell—and I had them made up by the clerk of the court, but before I could get the judgment made up they came into court with a motion to have the verdict set aside upon the ground that the claims were barred by the statute of limitations. These were cases which the Secretary of the Treasury, under his letter of October 4, 1856, had directed the collector to refund; and they had refunded some of the money in some of the cases, but these were cases in which they had refunded none. Mr. Maxwell himself came into court and argued the motion to set aside the verdicts for the purpose of allowing the statute of limitations to be pleaded. Upon that hearing we put in evidence, first, the fact that we had made the application on the 17th of March, 1856; filed a statement of our claims; asked to have the money paid back to us under the instruction of the Secretary of the Treasury; that the Secretary of the Treasury had renewed that request to Schell, who had refused; and that we had continued to believe that Mr. Schell would ultimately obey the instruction of the Secretary of the Treasury and adjust the amount, and that we should get our money without the trouble of a suit. We showed, further, that the government had paid the money in four cases where suits were commenced at the same time that these three were commenced and verdicts taken about the same time—cases which involved the same principles precisely, which were liable to the same objection which they raised to these three cases, and yet they never thought of raising any such point upon them.

Question. Was there any defence made in those cases?

Answer. No, sir.

Question. Why did they not plead the statute of limitations?

Answer. Because it was perfectly well understood in the custom-house and everywhere else, that inasmuch as we had made our application within the six years, the statute did not run against our claim after the application was made. We also put in a correspondence between the collector of the port of Boston and the Secretary of the Treasury, of which the following are copies:

SIR: In the certified statement of claims of J. Sawyer, S. A. Way and L. Wiggins & Co., for return of excess paid on storage, it would appear from a portion of the dates of importation that they are debarred by the statute of limitation of your State.

The department, therefore, before taking any action upon them, will require further information as to the fact, and also the various dates when the payments of the storage were made.

I am, respectfully,

HOWELL COBB,
Secretary of the Treasury.

A. W. AUSTIN, Esq.,
Collector, Boston.

CUSTOM-HOUSE, BOSTON,
Collector's Office, May 20, 1858.

SIR: I am in receipt of your letter of the 18th instant, requesting information in respect to the claims of Jas. Sawyer, Sam'l A. Way, and J. L. Wiggins, for storage exacted in excess, portions of which, from the date of importations given, appear to be barred by the statute of limitations of this State.

By the revised statutes of Massachusetts, chap. 120, sec. 1, "All actions of assumpsit or upon the case founded on any contract or liability, expressed or implied," are required to be commenced within six years next after the cause of action shall accrue, and not afterwards.

The action of Foster *et al.* *vs.* Penslee, in the judgment in which case this class of claims is allowed, was commenced in the May term of the circuit court,

1856. The law was argued at the October term, and decided by the court against the collector. At the May term, 1857, judgment was entered, and the decision acquiesced in by the department under date of June 16, 1857.

It has been the practice in claims of this description, where a single case was tried to determine the law, to extend to all the claimants under the decision the advantages in respect to limitations acquired by the party bringing the suit, provided their claims were equally valid in other particulars.

Thus in the cases in question I deemed it proper to include in the statements all claims within a period of six years prior to May, 1856, when the action of Foster was commenced. This rule was adopted to prevent a multiplicity of suits for the same cause which would otherwise be likely to be brought, and so save expense to the United States.

Under this rule none of the items embraced in the statements referred to in your letter are based; assuming, however, that claims which occurred six years or more prior to June 16, 1857, the date of the department's acquiescence in the decision of the court, are cut off by this statute, then the item of \$300 in the statement in favor of J. Sawyer is not allowable, the same having been paid on the 3d of April, 1857. In the other cases, an examination of the dates of payment as appearing on the records of this office shows that the several claims were made within the time limited by law.

A memorandum of these dates, in all instances involving doubt, is enclosed.

Very respectfully, your obedient servant,

ARTHUR W. AUSTIN, *Collector*.

Hon. HOWELL COBB,

Secretary of the Treasury, Washington.

TREASURY DEPARTMENT, May 27, 1858.

SIR: Your report relative to the claims of Jas. Sawyer and others, for return of excess paid on storage, is received, and the department having concurred therein, you are informed that all cases of a similar nature must only include statements subsequent to May, 1850.

I am, respectfully,

HOWELL COBB,

Secretary of the Treasury.

A. W. AUSTIN, *Collector, Boston.*

The court denied the motion to open the case to allow the statute to be pleaded.

Some time in March, 1864, I got two judgments for George Opdyke *et al.*—one against Redfield, and the other against Schell. They were made up, and the statement in the case against Redfield was certified and sent to Washington before the auditor discovered that a portion of the claim was barred by the statute of limitations, according to the claim set up in the cases previously specified. The collector thereupon wrote the district attorney, requesting him to make a motion to open the judgment and set aside the verdict in order that the plea of the statute of limitations might be interposed. The district attorney wrote to the collector a letter, of which I obtained a copy. It is as follows:

MARCH 30, 1864.

SIR: Your communication of the 17th instant in relation to the cases of Opdyke *vs.* Redfield, and the same *vs.* Schell, has been received, and, in reply, I beg to state that it was understood at the time these verdicts were taken that they came under the decision of the court in the cases of Massett *vs.* Maxwell, Winslow *et al. vs.* the same, and Raymond *et. al vs.* the same, in each of which a motion was made on behalf of the government to set aside the verdicts for the purpose of allowing the plea of the statute of limitations to be interposed.

Upon the hearing of that motion the plaintiffs put in evidence authenticated copies of a correspondence between the Secretary of the Treasury and the collector of the port of Boston, a copy of which is herewith enclosed, and to which I invite your attention, because in the effort, on the motion above referred to, to explain away and avoid the rule which by this correspondence the department had promulgated, the court very pertinently asked "if it was pretended that the Treasury Department had one rule for Boston and another for New York." The motion was denied. If, as you suggest, I should move to open the judgments and set aside the verdicts in these cases in order to interpose the statute of limitations, I should probably be met by the same inquiry, and the result would be the same.

I therefore beg to suggest that before taking a step which would again expose the government to the imputation of attempting to repudiate a decision established by itself, and which, for aught we know, these very plaintiffs may have acted in good faith upon, you should call the attention of the Secretary to this decision of the department and await his reply. * * * *

Very respectfully, yours,

E. DELAFIELD SMITH,
United States Dis't Att'y.

HIRAM BARNEY, Esq.,
Collector of the Port.

After about a month Mr. Barney transmitted a copy of this letter and of the other letters to which I have referred to the Secretary of the Treasury. The Secretary, as I am informed, referred the matter to the Solicitor of the Treasury, who, after giving the matter a great deal of consideration, reported that it was inexpedient to make any motion in court to open the judgment and set aside the verdict for the purpose of interposing the statute of limitations, and that the government was bound by a rule they themselves had laid down in this correspondence with the collector of Boston, and that the government ought not to recede from it. And on the 4th day of June these two judgments of Opdyke were paid.

The following is a list of six judgments, the amounts and the times when rendered, viz:

Wm. Loeschigk *vs.* Augustus Schell, June 1, 1864, for \$2,166 65.

Septimus Crook *vs.* Redfield, June 4, 1864, for \$1,242 32.

C. Gignoux *vs.* Augustus Schell, June 9, 1864, for \$1,848 48.

C. Payen *et al.* *vs.* Schell, June 28, 1864, for \$2,267 23.

A. Lachaise *vs.* Greene C. Bronson, July 6, 1864, for \$2,161 32.

Victor Fauché *et al.* *vs.* Schell, July 19, 1864, for \$3,667 08.

Certified statements showing the amounts in each of these cases, with interest, with certificates of the clerk of the court that judgment had been entered for the respective amounts above set forth, were delivered to the auditor on the days upon which these judgments were entered. Those statements have not yet been certified by the collector and transmitted to Washington, though the objection to sending them was the same as raised in Opdyke's case, and decided by the Secretary against the government.

On the 20th of June, 1864, I addressed to Mr. Barney a letter inquiring why these judgments were not transmitted to Washington; to which I received, five days afterwards, the following in reply:

CUSTOM-HOUSE, COLLECTOR'S OFFICE,
New York, June 25, 1864.

SIR: Your favor of the 20th instant, in reference to the cases of Wm. Loeschigk *et al.* *vs.* Aug. Schell, C. Gignoux *et al.* *vs.* Aug. Schell, and of Septimus Crooks *vs.* H. J. Redfield, has been received.

The several judgments in these cases have not been transmitted to the Sec-

retary of the Treasury, for the reason that there never has been a *trial* had in either of them, and there exist defences to each which should be interposed.

Respectfully,

HIRAM BARNEY, *Collector*.

A. W. GRISWOLD, Esq., 62 *Wall street*.

I immediately afterwards addressed to the collector a letter asking him to state the defence to which he referred in his previous letter. The letter is as follows:

62 WALL STREET, *June 25, 1864.*

SIR: I have before me your letter of this date, in which you state that no trials have been had in either of the cases of Wm. Loeschigk *et al. vs.* Aug. Schell, C. Gignoux *et al. vs.* same, and Septimus Crooks *vs.* H. J. Redfield, and that there exist defences to each which should be interposed.

Assuming your statement to be correct, will you inform me what the defences to each are which should be interposed?

Respectfully,

ALMON W. GRISWOLD, *Pl'ff's Att'y*.

HIRAM BARNEY, *Collector of Customs*.

To that letter I have received no reply. I then wrote a gentleman in Washington, explaining the matter to him, and asking him if he would not see the Secretary of the Treasury. He did so, and on the 29th of June Barney was instructed to certify these cases and transmit them to Washington with his objections. Instead of doing that, Mr. Runkle prepared notices for the district attorney to address to me, that motions would be made in two of these cases before the court on the 1st of July, 1864, to open those verdicts. The court had adjourned for the term before any action could be taken. That, of course, would tie up the cases until the November term of the court. Thereupon I wrote to my correspondent in Washington that I would like to know whether the department made the decision they did in Mr. Opdyke's cases specially for Mr. Opdyke's personal advantage, or whether, in making the decision they did, they meant to establish a precedent and affirm the decision they themselves had established in 1858. The Secretary of the Treasury, as I am informed, reiterated that Barney had been instructed to certify those cases and send them to Washington; that Barney had nothing to do with the question as to whether the statute of limitations applied or not; that his duty was to see whether the computations were correct, and whether the amount of judgment was correct, assuming that the principle of law was properly settled by the court; and if he had any objections to suggest why these judgments should not be paid, that it was proper he should communicate them to the Secretary of the Treasury. Still, these judgments have not yet been transmitted. I understand that as soon as Mr. Draper came into office they were certified by him, and that they are now with the naval office. I should say, as I understand it, that the whole matter of retaining these statements is in the hands of Runkle & Ogden; that Barney simply hands over these matters to them, and that ends his duty.

Question. Where, in your opinion, is the delay?

Answer. I do not think it lies solely or exclusively with Runkle or Ogden or Mr. Baily, but it lies between these three persons. When Mr. Runkle was appointed to succeed Mr. Henry B. Stanton, he met me in the street, and told me he was in the custom-house. I asked him where; he said he was in Stanton's place, and wanted me to come and see him, saying he could help me along a good deal. I had known him some time, and I told him I was sorry he had gone into the custom-house. He sent several times for me to come and see him, but I have never been, except as I have had to go there occasionally to inquire

about this thing and that. Finally, the last of May or first of June last, I took a number of verdicts in these cases of commission and charges—the same thing we had tried so often during McKeon's administration, as also Mr. Theodore Sedgwick's and Judge Roosevelt's. I took some thirty verdicts against Barney and Schell. I met Runkle in the street, and he told me that not one of those judgments would be paid which I had taken the day before, until a certain question had been submitted to the Supreme Court of the United States and decided by them, unless he said so. Said I, "Why?" Said he, "You cannot help yourself; you get a judgment, but you cannot touch the collector; you cannot help yourself." He said, further, "We have made up our minds to put a stop to this refunding business." I did not think so much of it then as I did afterwards. He also said that the reason why these judgments would not be paid was because the protests in the cases were prospective or continuing protests. On the 14th of June I wrote Runkle a letter of which the following is a copy:

62 WALL STREET, NEW YORK,
June 14, 1864.

SIR: In a conversation we had some two weeks since upon the subject of the decisions of the courts on the sufficiency of prospective or continued protests, I understood you to say that such protests were not relied on in any other cases but mine, that there were no verdicts or judgments based on such protests except mine, and that no more of my judgments would be paid until this question of the validity of prospective protests should be submitted to and decided by the Supreme Court of the United States, and I understood you wrote a letter to the district attorney to that effect.

Will you be kind enough to inform me if I understood you correctly on these two points?

Very respectfully,

ALMON W. GRISWOLD.

C. A. RUNKLE, esq.,
Deputy Collector.

To that I have received no reply. Soon after Mr. Runkle received this appointment he gave instructions to the clerk in the record office who gets up the papers under the subpoena *duces tecum* that he must bring all those papers to him that pertained to my cases. He did so. Mr. Runkle then took the ground that where he thought the statute of limitations ought to have been pleaded he would not allow the papers to go up to the clerk of the court. I sent my young man to see him about it, and he reiterated the statement that the papers could not go to the clerk's office. I told my young man we would see; so we took the case of Louis Grossman *et al. vs. Redfield*, in which case we knew the entries had been placed in the hands of Runkle by the record clerk in the custom-house, by virtue of a subpoena served upon Barney some time previous. In order that they might have fair notice of what we intended to do, I told him to serve another subpoena upon Barney, and to serve it in person, to produce these very same entries. He did so, and I have here his affidavit, sworn to July 29, 1864, to that effect. Here also is the certificate of the clerk of the court that the entries were not produced. Here is also a copy of the order of reference. With these I sent word to Barney that I should apply to the court for an attachment for contempt of court for not obeying the subpoena if those papers were not produced. I sent a message to him to that effect, and the next day, or the day after, the papers were taken up to the court in that one case. These instances I have given you as illustrations of the manner in which my business is done in the custom-house.

Question. Do you say that an entirely different course is pursued in your cases from that pursued in reference to the cases of other parties?

Answer. Yes, sir.

Question. Do you state it from actual knowledge?

Answer. Yes, sir.

Question. How do you know it?

Answer. Well, Runkle says: "None of your judgments which are based on prospective protests can be paid. There are no other judgments based upon prospective protests; nobody else relies upon prospective protests." He tells me so in office and out of office. He tells the district attorney so; and all the while that he is doing that, they are certifying and adjusting just such cases and sending them to Washington.

Question. Who are *they*?

Answer. Runkle and the auditor.

Question. In those cases who appear as counsel?

Answer. Various parties. Wilcoxson is the attorney who brings suit in Douglas's cases.

Question. What proportion of the amount of the claims goes to the counsel?

Answer. I cannot say that there is any general arrangement.

Question. What do the counsel fees amount to in these cases ordinarily?

Answer. They pay in some cases as high as fifty per cent., in other cases five or ten per cent., and in other cases there is no percentage at all. It depends entirely upon circumstances. For instance, a merchant has no faith at all in the recovery of the money, and says he will spend no money, or but very little, to test the matter; but he says to his lawyer: "If you want to try this question for a percentage of the amount recovered, you may try it."

Question. Generally, do the merchants go to the lawyers and employ them in the cases? or do the lawyers, having looked up the cases, call the attention of the merchants to those cases in the first instance?

Answer. I do not think I could answer that question by saying that there is any general practice about it. One merchant, perhaps, will suggest to a lawyer some question involved in the revenue laws, saying he thought he should pay only so and so. The lawyer investigates the matter, and gives an opinion, and thereupon the merchant says: "I wish you would prepare a protest against the payment, and I will make the payment under protest." That was the way the question of charges and commissions was brought to my attention.

Question. When a lawyer has taken one case and looked up the matter thoroughly, does he not, as a general thing, look around for similar cases?

Answer. Not as a general thing.

Question. When you have once made a point or established a precedent by the decision of a court, have you not looked about you to find similar cases in order to bring similar suits?

Answer. Not unless the parties are clients of mine. If they are clients of mine I tell them what I am doing. For a number of years prior to February, 1862, I did what all persons who had any judgments or other claims against the government did: paid Morgan L. Ogden, of Washington, brother of the auditor of the custom-house here, a commission of two and a half per cent. for attending to or following up statements of judgments which had been recovered here and sent on to Washington, and seeing that they were paid. He professed to have a great deal of influence; that he could facilitate the payment of these judgments, which otherwise might lie in the Treasury Department for months and months.

Question. What was his business in Washington?

Answer. That was his business. What finally somewhat abruptly terminated the arrangement between us was, that I found that the government was asking recipients to take treasury notes at a time when they were two and a half or three per cent. discount—in 1862—while they would pay other judgments just like mine in money. He (Ogden) had heard, I presume, that I intended to cut

off his commissions, the same as I did Grant's. I terminated that arrangement about the first of February, 1862, which you will see tallies exactly with the date of those troubles with Boorman, Johnson & Co. You will remember that there the district attorney called for papers in those cases on February 7, 1862, and could not get them. But really it was perfectly well understood that these commissions paid to Morgan L. Ogden were paid as a sort of a sop to him, as well as to influence Samuel Ogden, the auditor, here. It was no part of my business to inquire whether Morgan divided this commission with the auditor; but that was the way business was done, and that was the way others paid commissions to Ogden.

Question. Did you break off the commissions to Ogden at the same time, or after you discontinued those to Grant?

Answer. At the same time, in February, 1862.

Question. As long as you paid commission to Grant & Ogden did you experience any delay?

Answer. There was delay, but still my cases were going on all the while.

Question. Had you reason to complain?

Answer. Yes, sir, I complained all the while; but then I had no such reason to complain as I have had since. A totally different state of things has existed ever since. There has been a continual fighting of my cases by the auditor and Mr. Runkle since I cut off those commissions.

Question. Have you any reasons to suggest for having cut them off; other than the reasons you have stated?

Answer. No, sir, none other. I had worked hard and contributed liberally to get this administration in power, and as Grant and both the Ogdens were well known political opponents, I felt they no longer had any right or claim to this commission. In 1858 I experienced a great deal of difficulty in getting my judgments paid after they were sent to Washington. There was a great inequality in the time taken by the department to pay judgments which had been certified and transmitted to the department for payment. Some would be paid promptly, while mine would not be paid for a long time afterwards; and I was talking with a clerk in the custom-house, and asking why it was that there was so much difference. He said, "You ought to make some arrangement with the refunding clerk in the Treasury Department. I replied, "Who is he, and what arrangement is to be made?" Said he, "He is a Mr. Beare; you write to him and ask him if he will not look to your cases, and you will see if they do not come along." I have here a copy of the letter I wrote to Beare. It is as follows:

[Private.]

NEW YORK, *July* 10, 1858.

DEAR SIR: I learn that you hold the position formerly occupied by Mr. Oldfield. Would you be willing to take home with you at night statements for return of duty, and examine them out of business hours? If so, I will feel obliged to you, and *more*, if you will pass the claim of Naylor & Co. for some \$560 for return duty on commissions and hurry off the draft. The statement was sent to Washington some two weeks ago.

Yours,

A. W. GRISWOLD.

WM. S. BEARE, Esq.

I ought to have stated that in this conversation with this clerk in the custom-house—James T. Griswold, the refunding clerk—I told him I would not pay anybody in the Treasury Department for anything of the kind, and the framing of this letter was agreed upon between us. We drew it up in this way: "If you will do this I will be obliged to you and *more*." When I sent this letter I had no intention of feeing Mr. Beare or any other clerk in the Treasury Department; I never offered to do so, and never have done so.

The statement about which the letter was written had been sent to Washington June 28, and the letter was written the 10th of July. On the 16th of July the money came. Beare must have received the letter on the 11th, and the draft must have left Washington on the 15th, only four days afterwards. We (J. T. Griswold and myself) laughed over it considerably, and he said, "That letter did the business, did it not?" I replied, "It came pretty quick." I never wrote to Beare again. About ten or twelve days after the money came, a letter came here from the Secretary of the Treasury to the collector, stating that I had attempted to bribe a clerk in the Treasury Department, and that I was to be denied all the facilities for doing business at the custom-house, &c. That was promulgated through the auditor's department of the custom-house. The letter is on file there, I am told, though I never saw it, or a copy of it. And copies of it have been furnished to this Mr. Douglas, as I am informed, who has circulated them among merchants in the city.

I went personally to see Mr. Cobb in relation to the matter, with letters from prominent persons, friends of Mr. Cobb, including a statement under oath by James T. Griswold, of the circumstances under which this letter was written. Mr. Cobb declared to me personally that the matter was entirely satisfactorily explained, and that, instead of my being censured, Mr. Beare ought to be removed, and he promised me he would attend to the matter, and requested me to call the next day. I called upon him the next day, when I was referred to his assistant Secretary, Mr. Clayton, who treated me very cavalierly, and said he would listen to no explanation, and the matter has stood in that way from that time to this.

To show you the effect which my letter to Beare had on the payment of my judgments, I will refer to three statements for return duties for this one firm of Naylor & Co., clients of mine. The first statement was sent to Washington February 3, 1858, and was paid April 7, two months and four days afterwards. Another statement for an error was sent February 11, and was paid March 30, not quite two months. This claim for return of duties or commissions was sent July 28—I wrote this letter July 10—and the money was paid July 16, only eighteen days after it was sent forward.

You will see the same thing by taking a list I copied from a book I found lying open in the custom-house. A man was making an entry in it, and I took off a list of a large number of payments made in about twenty days after transmission to the department, while they have not paid a judgment of mine, as a general thing, without taking about sixty days. In some instances I have waited six months, and my clients lost the interest from the time the account is examined in Washington until it is paid. Take a judgment for five or ten thousand dollars, and let it lie for six months, and they get no interest, though that is quite an item. It is thrown in my face very frequently that Mr. Douglas gets his cases paid without all this delay, and that my clients must transfer their business to him; and I have no doubt Mr. Douglas has made twenty thousand dollars in three years out of cases where I have done all the work, or my office has done it, and paid for printing the protests, and getting the decisions, because Douglas could get his cases made up, and paid parties have given him the business.

NEW YORK, *September 19, 1864.*

ALMON W. GRISWOLD recalled, and continued his explanation as follows:

There is one fact more in relation to the cases of Boorman, Johnston & Co. which I wish to mention. On the hearing before the clerk of the court which was had for the purpose of enabling Mr. Barney and Mr. Ogden to show fraud—nothing more nor less than perjury and forgery on the part of Boorman, Johnston & Co., or their attorney—the plaintiffs called Samuel Ogden, the auditor.

We served a subpoena *duces tecum* upon Mr. Ogden to produce all the papers, including the original bill of particulars that had been served in the case, and which had been sent to the custom-house with the letter of the district attorney on the 7th of February, asking that the papers as specified in the bill of particulars be sent to the district attorney for the purpose of enabling him to put in his defence. Mr. Ogden brought forward that original bill of particulars, on which there were, in Mr. Grant's own handwriting, certain marks and checks which Mr. Ogden testified he was familiar with, and that those marks and checks had a well-known signification and meaning. He further testified that from that paper, with these marks and checks upon it, in the handwriting of Mr. Grant, it was apparent that the entries which Mr. Grant had testified to as having no protest attached to them when he got them up, were not on file, and therefore that Mr. Grant had never seen them. Mr. Grant had testified that the letters "N. O. F." written by him against the name of the vessel on the bill of particulars signified no protest, while Mr. Ogden and several other clerks in the custom-house, including the refunding clerk, testified that it was perfectly well understood that "N. O. F." meant "not on file," and that Mr. Grant had stated to the refunding clerk of the custom-house recently appointed, that that was the meaning of these letters. And this paper was in the possession of Mr. Ogden, with the entries of Boorman, Johnston & Co., at the time he procured Mr. Grant to make an affidavit that these entries were not protested at the time he got them up. In other words, Mr. Ogden had at the time in his possession evidence in Mr. Grant's handwriting that the affidavit he and Barney induced Grant to make was false. After the troubles with Boorman, Johnston & Co., in 1862, the entries in the case of P. Chouteau, jr., Sandford & Co., when produced to the refunding clerk, were found to have been mutilated. The protest had been taken off from one entry and put upon an earlier entry. Dates had been changed, erasures made, and various other acts of mutilation had been placed upon them. They presented a very questionable appearance; a good deal of talk was made about it in the custom-house. Of course who did it, or why it was done, was only a matter of inference. The papers had never been in our possession, and we never had seen them from the time we made the entry. From the fact that they appeared mutilated the auditor declined to adjust the amount, and we were obliged to go into court and prove each entry by the custom-house broker, who had made the entries for the firm. In the case of Septimus Crooks, also, when we got the entries into court about that time, the protests were found nearly all torn off.

By Mr. Hulburd :

Question. You say Grant was removed in 1862; who took his place?

Answer. A Mr. Lewis.

Question. Does he hold it now?

Answer. Yes, sir.

In April, 1863, a judgment in favor of John Lord against Augustus Schell, for return duty upon freight upon railroad iron, was obtained. The importations were made from 1857 to 1859. During that time the custom-house required that protests should be filed in the auditor's office, and not attached to the entries, claiming it was a matter of protection to the government against the substitution of protests after the duties were paid. Of course, when the entries were produced at the clerk's office, there were no protests attached to any of the entries. However, we proved the protests upon all those importations except two by my clients, and we got a judgment on the 10th of April, 1863, for \$828 10. A statement, with a certificate, was sent to the auditor and left with him to be certified and sent to Washington for payment. I went abroad in June, came home in December, and found that this case of Lord had not been certified and sent to Washington, for the reason, as the auditor stated, that the entries had

not been protested. My clients insisted that the entries had been protested. I made application to Mr. Cummings to look through the protest register in the auditor's department thoroughly, to see if he could not find some record of those protests. He told me he would do so. He afterwards told me he had done so, but that no such protests could be found recorded in the protest books. Matters remained in that condition until this spring, when, in May, an attorney came to me and wanted that I should get my client to release the amount of this judgment, which was a lien upon Mr. Schell's real estate, as he wanted to sell a certain piece of property. I went to my client and told him he might as well release the judgment as against Schell's property, as he could not enforce it, but he declined to do so. Mr. Ogden then stated to Schell or to his attorney that this judgment had been obtained in an irregular and improper manner, and that there was nothing in it. Subsequently, a person who had been in the custom-house told me he knew there were protests made by John Lord about that time, and that he could get and give me the number of those protests, upon condition that I should not disclose his name in any way. I promised him I would not. He afterwards brought me the numbers of the protests as they would appear in the record-book, the dates of filing, and the names of the vessels. With that I went to Mr. Cummings and asked him to look for certain numbers of protests in the book which he had there. He looked and found the protests in all these entries, including the two entries upon which I could not prove the protest at the time of taking judgment. I say he *found the protest*—he found a memorandum giving the name of the vessel, the date of the arrival, the grounds of protest, and by whom made. There were in this book, I should say, not less than twenty thousand, perhaps forty thousand such entries of protests, and Mr. Cummings told me he never professed to look into that book, for the reason that it was not indexed, and he was not going to spend his time looking to see whether protests were in there or not. I then asked him to turn to the file of protests and take out these protests, as I wanted to see whether they were valid and good protests. He went to look for the protests, and came back and said there were none of them to be found in the custom-house. He told me two days afterwards that he had had another look, and that none of the protests for that year, 1859, could be found on file.

I should state that before discovering these protests, to oblige a party who had purchased this piece of property of Mr. Schell, I had consented to open the judgment in order that he might take a clean title, knowing that a judgment amounts to nothing under the present law of Congress.

I hold in my hand a letter written by Mr. Ogden, signed by Mr. Barney, dated May 3, 1862, and addressed to Clark & Jesup. It is as follows :

“In reply to your letter of the 21st instant, I have to state that the amount of judgment recovered by you against Collector Bronson—\$6,063 44—was paid to the attorney of record in the case on the 24th of April, 1861.

“A verdict subsequently obtained against Collector Redfield, from pressure of business at this office, has not yet been adjusted. I shall take measures to prevent, if possible, similar delays hereafter.

“Very respectfully, your obedient servant,

“HIRAM BARNEY, *Collector*.

“Messrs. CLARK & JESUP, *in liquidation*.”

This case has not been adjusted to this day. Mr. Jesup sent for me shortly after receiving this letter, stating that he had been applied to to put this case, and others he had, into the hands of Mr. Douglas; that Douglas had facilities for having his claims adjusted, which would secure their immediate payment. He did not tell me who the party was who made this representation to him, but on the 4th of June he wrote me a note, which I have before me, and which reads as follows :

DEAR SIR: I send you the deposition sworn to, as you desired. Hope it will enable you to get what is due. It is as I told you; if Mr. Douglas has better facilities than you for collecting these debts, he will get the business.

Yours, truly,

N. K. JESUP.

I hold in my hand a list of cases given me by Henry G. Hallock, who was refunding clerk in the custom-house in 1861 and 1862, up to January, 1863. Mr. Hallock told me that he knew the attorney of record signed a receipt for the amounts of the several sums of money in blank on the day that the judgment was certified and transmitted to Washington, and that that receipt Mr. Ogden kept possession of until the money was paid. When the money was paid the receipt was dated, and that he believed that Mr. Ogden deposited the several sums of money in his bank.

Question. What is your explanation of that?

Answer. It is that Mr. Ogden shaved or discounted the judgment for the attorney. Another reason for my speaking of this is, that at this time I could get none of my cases adjusted, because they alleged they had not sufficient force, and besides they alleged at that time, I believe, that the government was not in funds, and hence there was no use in sending on the statements, as the government could not pay them.

By Mr. Rollins :

Question. Who was the attorney in those cases?

Answer. John S. McCulloh, I am told. They were not judgment cases ; that is, cases in which verdicts had been taken. I think you can find a number of statements which have been made up by Mr. Ogden in person within the last ninety days. And if you will inquire of the refunding clerk, or of Mr. Merrill, the refunding clerk in the naval office, for the hemp carpeting case, you will probably find cases made up in Mr. Ogden's handwriting.

Question. Who was the attorney in those cases?

Answer. John S. McCulloh, I am told. He was formerly attorney for Douglas.

Question. Is not Douglas a lawyer?

Answer. No, sir ; he was, I believe, a dry goods merchant. It is rumored and believed that Mr. Ogden himself prepares Mr. Douglas's protests. For the last two or three years the firm of Kauffman, Frank & Wilcoxon have acted as attorneys for Douglas.

Question. How do you know that these statements are Mr. Ogden's act and in his handwriting?

Answer. On a certain occasion, recently, I went to the naval office to make inquiries if a statement which had been made up by the clerk of the court, and sent to the custom-house for examination, was finished, and I found the refunding clerk in the naval office engaged upon another statement, which I at once perceived was in the handwriting of Mr. Ogden. I asked the clerk why he did not finish the statement of my judgment which he was at work upon, and he said he was obliged to lay it aside and take up those other cases.

To give you another case: There is the suit of the Toledo, Logansport, and Burlington Railroad Company against Augustus Schell, which was brought for the recovery of an excess of duties paid upon freight and charges upon railroad iron. Mr. Runkle appears as counsel in this case for the defendant. The suit was commenced in the superior court of the city of New York on the first of June, 1864. The principle of this case has been settled by repeated decisions in the court, and acquiesced in by the Treasury Department, and the department has instructed the collector to refund in all similar cases, and the collector has refunded in just such cases as that. For instance, in the case of Theodore Dehone *vs.* Redfield and Schell, about a year since, payment was made without

a verdict. No defence has been interposed in cases like this for three years. But in this case of the railroad company Mr. Runkle has appeared for the defendant, and put in an answer denying the plaintiff's right to recover, and assigning various defences, instead of the case being sent to the district attorney—the ordinary course of suits against collectors.

One instance I ought to give the committee in reference to the appraisers' department. Messrs. C. F. Schmieder & Co., merchants of New York, imported two invoices of merchandise in April, 1862. After making the entry by the ship *Emily*, April 19, 1862, Mr. Schmieder, the head of the house here, received a letter from his father, who was the manufacturer of these goods, which were Saxony woven dress goods, enclosing a second invoice, in which he stated he had just returned from the Leipsic fair, where he found the prices of goods had advanced nearly ten per cent. over and above the price at which his invoice of the goods had been made out by his bookkeeper, by such a vessel, and which invoice had been transmitted, during his absence, to the house here. He went with this invoice and letter to the collector, or to Mr. Hoffman, deputy collector, and showed them to him, and asked what had been done with the original invoice, by which he had entered the goods a few days previous. Hoffman wrote a note to the appraisers to know if they had appraised the goods. They said they had not. He then said: "If not examined, please return me invoice, April 26, 1862. M. H."

The appraisers first passed the goods as "value correct" upon the second invoice, which was ten per cent. above the original invoice. My client sailed for Europe. After he was gone the appraisers marked up his goods about twenty-five per cent., after having first passed the invoice as correct.

In the mean time this firm had made a second entry by the *Isabella*, May 22, 1862, of the same kind of goods, but their invoice in this case had come out at ten per cent. above the price the previous invoice had originally come. My client had sailed for Europe, and left merely a boy in charge of his store, for he was to be gone only sixty days. This second entry the custom-house appraisers also marked up twenty-five per cent., and ordered all the goods which had been sent to the importer's store back to the appraisers' office. I called for a reappraisement, and Mr. Barney appointed, as merchant appraiser in the case, B. H. Hutton. We objected to Mr. Hutton's serving as merchant appraiser, because we heard and knew that he had been consulted by the local appraisers as to the market value of the goods, and had advised an advance of the invoice twenty-five per cent. We had learned this fact from a person to whom Mr. Hutton had made a statement that our goods had been advanced, and were going to be seized. That was before we ourselves had any information from the custom-house that the invoice of the goods had been advanced. Mr. Barney appointed another person in the place of Mr. Hutton upon this appraisement. The appraisement took place, and some six importers were called by the government, and a small portion of the invoice was advanced slightly, and two or three items, I think, ten per cent. When we came to have the reappraisement upon the second importation Mr. Hutton was presented as the merchant appraiser. We objected, upon the same ground we did in the first instance, to his serving—that is, upon the ground that he had already expressed his opinion as to the value of the goods, and that he was not a proper person to act as appraiser. Mr. Barney declined to interfere with the matter, saying that Hutton was a good man. My clients thought it their duty to write him a letter setting forth the facts as detailed by me, and calling his attention to a treasury circular, in which the Secretary says, "Where, upon appeal, the general appraiser finds himself disqualified by any preliminary examination or expression of opinion, he may decline to act, and the collector, if the importer desires it, may direct the general appraiser residing at the nearest point to act on the appeal."

Mr. Hutton acted as a general appraiser. It appeared that he had not for

years imported a case of these goods from Saxony and Germany; that he obtained all his goods through a Paris house; that he could not make an appraisement of these goods in *rix-thalers* and *silver groschens*, but was obliged to make it out in *francs*, and get a general appraiser's clerk to reduce them to *thalers* and *silver groschens*. Five merchants, called by the government, appraised the goods at an average of $9\frac{2}{5}$ per cent. above the invoice price. Mr. Thomas McElrath, the general appraiser, said he felt bound to take the testimony of these five merchants, who were importers of these very goods that very season, and he would not go above them. Mr. Hutton made his appraisement an average of $16\frac{1}{4}$ per cent., which, of course, involved a penalty. It was then left to Barney to decide between them, and he took, of course, Hutton's appraisement, and subjected my clients to a penalty of some \$2,000. My clients were what is known as "German importers," while Hutton is a French importer; and between these two classes a rivalry exists. If you will make the inquiries you will find that in three-fourths of all the appraisements of dry goods from July, 1862, to November, 1863, Mr. Hutton was the merchant appraiser.

Question. What fee does the appraiser receive?

Answer. Ten dollars in each case.

Question. Where did the penalty in the case you have just referred to go?

Answer. It ought to have gone into the treasury. All verdicts are now referred by the court to the clerk of the court for adjustment. I am not aware that in any of the cases but mine the invoices and entries are taken to the clerk's office, and the adjustment actually made there. I understand that in all other cases the adjustments are made at the custom-house, or somewhere else, the refunding clerk first going to the clerk's office and taking an oath that he will make these computations correctly; and then, when he has made the computations, he goes there again and swears to them. He then taxes, as witnesses' fees, the time he has been employed in making the computation.

By Mr. Rollins:

Question. Is there not information in the auditor's office, which the prosecuting attorney could get, which would be of great service to him in prosecuting his claim?

Answer. Certainly, if he can get it. Take, for instance, the bundle of protests which I mentioned as being missing from the auditor's office. That would give the attorney, or any party looking the bundle through, a list of the merchant's importations upon which he had been protesting. With that information he could get a list of the merchant's entries and prosecute the claim. In the case of A. Iselin & Co. they informed me that they received some seventeen or nineteen hundred dollars from the hands of Mr. Wilcoxon, without ever having given Mr. Wilcoxon or Mr. Douglas any list of their importations, or authorizing him in any way, as Mr. Iselin informed me, to recover this money. And he had no means of ascertaining how Mr. Douglas obtained a list of his importations, upon which the recovery was had. He added, "Of course, when a man comes and brings me seventeen or nineteen hundred dollars, I cannot refuse to receive it, but take it." And yet his claim was based upon protests which I had been employed by A. Iselin & Co. to make for them, and a suit was pending for the recovery of the same by me.

Question. How did he obtain the information?

Answer. I do not know how. The information could be obtained by reference to these protest books.

Question. Could it be obtained in any other way?

Answer. I do not know of any other way.

Question. Could it be obtained, in the way alluded to, without the connivance of some government official?

Answer. I do not think it could.

Question. Do you know of any cases in which similar valuable information has been obtained?

Answer. Yes, sir; in this very case of Vyae & Sons, of which I spoke the other day, there was an additional list presented to the record clerk to get up entries by, which my clients did not furnish Mr. Douglas. That list was in the handwriting of Mr. Douglas. The clerk—I think it was Mr. Leffingwell—told me he could not find the entries according to the list, and he could not imagine how any merchant could furnish such a list to his attorney or broker, because he could not find the entries according to that list. I suggested to him that if he would take the protest books he would probably find a list corresponding exactly in dates, and that the discrepancy between these dates in the list and the dates of the importations would be explained in this way: A merchant makes an entry on the 1st day of July of 500 baskets of champagne in bond. On the 5th of August he withdraws from bond 50 cases of this champagne, pays the duty, and makes a protest. There would go into the book, then, the name of the importer, the name of the vessel, and the date of the protest, which would be the 5th of August. Well, you turn to the tonnage book to find a vessel by such a name arrived the 5th of August, and you would not find anything of that sort. The clerk, you know, would look for the entry of such a vessel on such a day of such a month, but he would not find anything of that sort. He might find this very ship entered a month before or a month afterwards, but he would not know which was the one wanted. I think the clerk told me he looked at the protest book for this list and he found it had really been taken from that book. I think the copy was in the handwriting of Mr. Douglas.

NEW YORK, *September 20, 1864.*

ALFRED DOUGLAS, a witness, being sworn, testifies as follows:

By Mr. Hulburd:

Question. Where do you reside?

Answer. In New York.

Question. What is your business?

Answer. A claim agent—more properly an attorney.

Question. Do you, as such claim agent, prosecute claims in favor of merchants against the government?

Answer. I do not know what you may call a claim agent. I have filed claims against foreign governments as well as my own. But I am claim agent as against the government.

Question. In respect to what claims?

Answer. For duties illegally exacted by the Treasury Department.

Question. Please indicate briefly the method of transacting this business, from the commencement of a suit down to the recovery of the money.

Answer. Congress, for instance, passes a tariff, and as it is impossible always to pass a tariff which is perfect in its provisions, controversies are constantly arising as to the proper rate of duties upon a given article. I make it my study to become familiar with all the tariff acts, and if I see anything that is not right, I make it my business to seek out merchants who have been affected wrongly by it; or else, if merchants find out any such thing, they come to me. More particularly, with reference to this last fifty per cent. special tariff act, merchants come to me. Then I furnish them with protests, and appeal to the Secretary of the Treasury. He sends his answer to me. If we are not satisfied with his decision, we bring a suit. If we gain the suit, the case is made up by order of the circuit court.

Question. Who makes up the case?

Answer. The clerk of the court.

Question. Who furnishes him with a tabular statement upon which he makes it up?

Answer. The merchants give you their importations. The pre-existing steps give you, of course, a list of the importations, and this you have to prove.

Question. Of course the basis of all these matters is the protest?

Answer. Certainly.

Question. Where do you get your knowledge of the protests?

Answer. Originally we make the protests for the merchants at their request.

Question. When you determine to bring a suit, what is your first step?

Answer. We issue a summons to the collector to appear, and claim so much money over-exacted, &c. This used to be handed direct to the district attorney; now it is handed to the deputy collector of the customs, who then appears for the collector as attorney. When the case is ready for trial it goes to trial before the judge.

Question. You sustain your suit by the production of the entries and protests?

Answer. The person having charge of them is subpoenaed to produce the papers pertaining to the suit.

Question. Who makes up the statement on which the clerk passes on any given case?

Answer. His deputies. That is a matter of detail which I do not know particularly about. The proof is made before the court.

Question. You make the proof in court?

Answer. Yes, sir, and it is always referred to the clerk for adjustment.

Question. Suppose you have fifty or a hundred suits, and one principle governs more or less of them.

Answer. Then one case governs the whole, by order of the judge, that is, if the cases are perfectly analogous.

Question. Have you not often suits where some of the items run back beyond six years?

Answer. No, sir; a judge would not allow a verdict to be taken in such a case. Where a verdict is taken by consent, it is always limited on that point. It extends only to cases or items not barred by the statute of limitations. Suppose there are ten cases, and one of them is tried before the judge, and the merits are gone into pro and con, and it is decided according to the law. Then the counsel gets up and tells the judge there are so many cases governed by precisely the same questions, and asks him if he will allow verdicts to be entered in them. If the district attorney assents, it is done, subject to all the proofs given in the primary case.

Question. Are you not indebted to the auditor's office of the custom-house for some of the papers and statements you require in conducting your suits?

Answer. Not at all. The cases come from the merchants themselves.

Question. But can the cases be made out without reference to the custom-house?

Answer. Certainly. The list of importations is obtained from the merchants, who can always approximate to the amounts they have overpaid. They might not tell exactly the amount without having the papers brought into court upon a subpoena. If there is only one entry, it is adjusted and made up right on the spot.

Question. Suppose you have a suit and the papers in the custom-house are not to be found; what do you do?

Answer. I have never had a case of that kind.

Question. Suppose your case has gone through the court, judgment rendered, and certified to Washington, how are you going to get your pay?

Answer. By the Secretary of the Treasury paying it.

Question. But does the Secretary of the Treasury respond at once?

Answer. There is usually a certain routine of the office to be gone through with. I have never taken any steps to interfere with that. Sometimes cases are there two or three months.

Question. Do you make any inquiry?

Answer. No, sir.

Question. Have you any agent in Washington to look after your business?

Answer. No, sir.

Question. You mean to say you put your case into the hopper, and when the grist comes out you take?

Answer. Of course. There is no use in importuning the government. The cases go along as fast as they can, of course. I never interfered with a case in my life. In fact, I do not know whom to apply to. I simply know that the business goes on in the department, and when the Secretary is ready to pay, he pays. There has been no unusual delay, or certainly I should have wanted to know the reason for it.

Question. Are you a practicing lawyer?

Answer. No, sir; not at the bar.

Question. Who conducts your business at the bar?

Answer. Mr. Wilcoxon.

Question. Has he charge of it after cases go into court, and until payment is paid?

Answer. Yes, sir.

Question. Then if any steps are taken at the custom-house, or at Washington, to facilitate matters, they are taken by him?

Answer. They are not taken at all. Whatever he does of course I know. I know my own business. I have known cases to be delayed for two or three months, and again they would be paid in two weeks. Why the discrepancy in time exists I do not know, and never inquired. I do not know what other attorneys may have done.

Question. Do you personally know the auditor in the custom-house?

Answer. Yes, sir.

Question. Do you know his brother in Washington?

Answer. Yes, sir.

Question. Have you ever had any transactions with him?

Answer. Not for the last four or five years, at least.

Question. What is his business in Washington?

Answer. So far as I know, he is an attorney-at-law. I have seen him in courts there, pursuing his regular and legitimate business, whatever it may be.

Question. Have you ever employed him?

Answer. As I told you, I have had no transactions with him for upwards of five years.

Question. Has Mr. Wilcoxon had, in your behalf?

Answer. Not in my cases, so far as I know; and if he had had, I should be likely to know it. I do not know that it requires any special efforts to get through anything that is proper and legitimate.

Question. Can you give us any further information in reference to these matters?

Answer. No, sir.

Question. Do you know of any abuses upon the part of the government?

Answer. I have not been aggrieved, but I cannot speak for other parties. I know of none.

By Mr. Rollins:

Question. When you make protests, do you keep copies?

Answer. I keep a memorandum; but then the protests are found on file at the custom-house, and are brought forward by subpoena.

Question. The statements are made up at the auditor's office, are they?

Answer. Some are, and some in the court.

Question. Did you ever experience any delay in getting cases made up at the auditor's office?

Answer. The delay is immense. I should say it would take from two to three months to get a case adjusted.

Question. Does the auditor himself make up the cases?

Answer. No, sir.

Question. Does he make up any of them?

Answer. I should think not. He is the head of the bureau.

Question. Did you ever know of his making up any?

Answer. No, sir.

Question. Who does make them up?

Answer. He has a clerk for that purpose.

Question. What are the fees of the clerk aside from his salary?

Answer. Nothing.

Question. Does he get any other fees?

Answer. I never gave him any, and I never knew of any being given. I would have given something to the last clerk to have him keep out of the way on account of the mistakes he made.

Question. Who was the last clerk?

Answer. Cummings. I went into the country two months ago, supposing that statements in his charge would be made up properly. They were adjusted, but they were all wrong.

Question. Did you ever loan him any money?

Answer. No, sir.

Question. Did he ever apply for any?

Answer. No, sir.

Question. Did you ever loan any money to any of the clerks in that office?

Answer. Never.

Question. Did you ever make any of them presents?

Answer. No, sir. I have never had any favors to ask, and therefore have had no occasion to do so.

Question. What number of cases of this kind do you have in a year?

Answer. I should say a hundred.

Question. What amount of money is involved in those hundred cases?

Answer. They involve from \$100 to \$1,500 to \$1,600 each.

Question. Do some of them involve larger amounts?

Answer. I had a case two years ago of \$16,000 for an excess of ten per cent. on worsteds. But they rarely exceed \$1,500.

Question. What arrangement as to fees do you have with the merchants for prosecuting these cases?

Answer. That is entirely a matter of private bargain. I should say the average of contingent fee was twenty-five per cent. In some cases it may run up to fifty per cent.

NEW YORK, *September 27, 1864.*

WM. A. LEFFINGWELL, a witness, being duly sworn, testified as follows:

By Mr. Hulburd:

Question. Have you been connected with the custom-house?

Answer. Yes, sir.

Question. When?

Answer. I was appointed in January, 1847.

Question. To what position?

Answer. As clerk in the record office, and very shortly after I was appointed I was put in charge of the office.

Question. How long did you remain there?

Answer. Until November, 1862.

Question. What were the duties of your office?

Answer. I had charge of the papers and books of the collector's department of the custom-house. I received the files from the different departments below stairs, the entries, the ship files, the clearances, the invoices, and other papers and books. I filed the papers, labelled them, and placed them in proper order in appropriate cases.

Question. Were applications frequently made to you, by outsiders, for access to those papers?

Answer. Yes, sir. I was often applied to for a sight of the papers.

Question. What class of persons usually made those applications?

Answer. Brokers and brokers' clerks, acting for merchants.

Question. Did you have any applications from claim lawyers or their clerks?

Answer. Yes, sir, frequently.

Question. Did they have an opportunity of examining the papers?

Answer. Not without sufficient orders from the auditor, or collector, or collector's private secretary.

Question. Who usually gave the orders for that purpose?

Answer. For a period of years they usually came through the auditor, Mr. Ogden.

Question. Do you recollect what lawyers or claim agents most frequently applied?

Answer. I could mention half a dozen names—Earl Douglas, Morgan L. Ogden, Henry A. Taylor, A. W. Griswold, M. D. Benjamin, and others whose names I do not remember at this moment.

Question. What was usually the purport of those orders?

Answer. Sometimes to show the papers, and sometimes to search for them and get them up for the purpose of having claims made up—the papers to be sent to the auditor's office. Sometimes the order would be to deliver the papers to certain parties.

Question. The papers then were taken from the record office on the order of the collector or auditor?

Answer. Yes, sir.

Question. And they went outside?

Answer. Yes, sir, they went out of the record office.

Question. You delivered them on the order?

Answer. Yes, sir.

Question. Did that get to be a frequent occurrence before you left the office?

Answer. I think some years ago more papers were delivered directly to parties than of late years—that is, the last two or three years I was there. In the latter years they were more frequently taken to the auditor's room. What became of them then I do not know.

Question. What use was made of the papers by those claim agents, or what benefit were they to them?

Answer. I suppose it was necessary that they should have those invoices and entries to enable them to make up their claims against the government.

Question. Could they bring suits against the government without an examination of those papers?

Answer. I do not know that it was necessary that they should see the papers on file.

Question. Without them how could they get at the facts?

Answer. As a general rule I believe the heaviest merchants have duplicates of their entries and invoices.

Question. Why, then, should these parties come to the custom-house for them?

Answer. For the reason that the protests and appraiser's returns were upon or attached to the collector's copies of the entries and invoices.

Question. Have you any knowledge of these men coming to the custom-house and getting these papers and information, and bringing suits without the knowledge of the merchants?

Answer. No, sir.

Question. Have you given such information?

Answer. No, sir; I do not think I ever gave any broker or claim agent any information without an order.

Question. Have you ever submitted the papers on file there to the examination of these men or their agents without an order?

Answer. I have no recollection of doing so.

Question. Have you ever received any compensation or presents for any indulgence or favors shown to these men by the office?

Answer. I have received presents for working out of hours.

Question. Has it been the practice for clerks in the custom-house to give to outsiders information which would enable them to bring or sustain suits against the government?

Answer. I believe that has been done. I have no doubt that oftentimes before the papers were received in the record office they have been shown to outsiders.

Question. Have you any reason upon which to predicate your belief that papers have been shown to outsiders before they came to your bureau?

Answer. I have, for the reason that frequently when I have refused parties applying for a sight of papers without sufficient order, I have been told that in the other departments they could always obtain their papers without an order.

Question. What papers do the claim agents want?

Answer. Both the invoices and the entries.

Question. And those claim agents may have access to those papers in the rooms below?

Answer. I can only say that I believe they have, but I do not know positively.

Question. I understand you to say that those orders most frequently came from the auditor?

Answer. Yes, sir, for getting up the papers for these claims, for the reason that our office was attached to the auditor's bureau.

Question. Have you any knowledge or reasonable belief that there were any improper considerations used with the auditor for the purpose of obtaining these orders?

Answer. During my presence there, of course, I suspected a good many things of that kind without any positive knowledge. I cannot say that I have any positive knowledge of anything of that kind.

Question. You say you have no positive knowledge, but from observation. Did you have reason to suspect such was the case?

Answer. Without answering the question directly, I will say that I observed that certain parties appeared to be favored by the auditor with reference to their claims; but as regards any consideration he may have received, I have no knowledge.

Question. Who were those parties that seemed to be specially favored by the auditor?

Answer. Earl Douglas, Morgan L. Ogden, and Mr. Taylor, and perhaps one or two others.

Question. Is Morgan L. Ogden a relative of the auditor?

Answer. He is a brother, and has resided a good deal in Washington.

Question. While not in Washington, was he prosecuting claims here against the government?

Answer. At the time of my appointment he was one of the claim agents residing here. He afterwards resided in Washington, and, as I understood, he

was there for the furtherance of the claims in the department there for certain parties.

Question. To what parties do you particularly allude?

Answer. I refer to Taylor and Douglas.

Question. Had those parties any particular connexion in business?

Answer. They were interested together in many of the claims which were being got up against the government.

Question. Were they known as partners to the public?

Answer. No, sir, not to my knowledge.

Question. What relation was known to exist between Morgan L. Ogden and Douglas in these matters?

Answer. I do not know any, further than that it was generally understood that they were together in getting up these claims. Whether or not they were in actual partnership I do not know. I do not know that their relation was ever advertised, but I think the heading of the paper on which their lists were made contained the names of Ogden and Douglas and Taylor.

Question. When Ogden went to Washington, was the connexion kept up?

Answer. I understood he went there for the purpose of lobbying those claims through.

Question. Up to how recent a period has that relation existed?

Answer. I supposed it still existed at the time I was removed from the custom-house.

Question. What reason had you to suppose so?

Answer. I entertained the opinion that they were together at one time, and I never saw any reason to change that opinion. It was a frequent topic of conversation between different clerks, that they were more or less connected.

Question. Do you know anything about their present relation?

Answer. I have not known anything about custom-house matters since I left there, any further than I derived such information from the public prints.

By Mr. Hulburd:

Question. I understood you to say, awhile ago, that this Morgan L. Ogden was connected with Douglas in the claim business in this city. When they were so connected, did the auditor give you any instructions, verbal or written, about allowing them and their associates facilities for examining papers?

Answer. Shortly after I went into the office the two brothers Taylor, and Morgan L. Ogden were heavily engaged in these claims, and being anxious to get their cases through as rapidly as possible, crowded us with the work of their lists, and if my memory serves me right, I represented to the auditor that we could not get up their papers as fast as they wanted them. He suggested to me that I should get up the files, and that his brother Morgan L. Ogden would assist in getting up the entries, such as he required.

Question. Did he convey the idea that he wanted specially to expedite their business?

Answer. I so interpreted what he said.

Question. Did that continue?

Answer. I thought it was his desire throughout, that we should do their work as rapidly as possible.

By Mr. Rollins:

Question. Did you give their cases the preference?

Answer. I endeavored to take everything in its turn as it came up; and that was the cause of words between Morgan L. Ogden and myself on several occasions.

Question. What did he say?

Answer. His language was rather threatening to me than otherwise.

Question. Did he say that the auditor said that he should have papers got up so and so, and that you should do it?

Answer. He did not use exactly that language, but it virtually amounted to that.

Question. Did that sort of preference continue to be manifested while you were connected with the office?

Answer. I so considered it.

Question. Did Douglas, Taylor, and Ogden, or either of them, offer you any consideration if you would get up their entries, or hasten the work?

Answer. Yes, sir.

Question. What was it?

Answer. I was informed by one or more of them that if I would I could readily make from fifteen to twenty thousand dollars, and nobody would be the wiser for it.

Question. Was that suggestion made more than once, or repeated by different persons?

Answer. The matter was spoken of to me by the so-called ring more than once.

Question. Did they, each of them, at times, make such suggestion to you?

Answer. I would not say that they all did; some of them did.

Question. Did Morgan L. Ogden?

Answer. I do not recollect that Morgan L. Ogden, at that time, made any such proposition.

Question. Did he ever make any such suggestion to you?

Answer. We certainly have spoken of that same matter together, but I do not think he made any direct offer at the time. He left that to the others.

Question. Did Douglas make any offer or suggestion to that effect?

Answer. Not at that time.

Question. Did he at any time?

Answer. Mr. Douglas did make an offer to me.

Question. What was it?

Answer. I think that at the time Douglas made me an offer he was not in with the others. He was a new-comer, an outsider, was anxious to get his claims made up, and he said that if I would work out of hours he would do a certain thing by me.

Question. What was that?

Answer. That he would pay me a certain amount of money.

Question. How much?

Answer. I do not remember now. I know he only gave me a part of it after I had worked many hours out of time.

Question. How much did he give you?

Answer. I do not remember now.

Question. About how much?

Answer. I think he was to give me not exceeding five hundred dollars.

Question. How much did he give you?

Answer. I do not remember. Occasionally he would give me a little.

Question. Did he give you half of it?

Answer. I should think I received about half.

Question. How long ago was this money received?

Answer. Twelve or fourteen years ago.

Question. Have you received any money more recently?

Answer. I have received no money at all for work I have done out of hours, or otherwise, since certain instructions issued by Secretary Guthrie forbidding anything of that kind.

By Mr. Hulburd :

Question. State precisely what these parties wanted you to do.

Answer. They wished me to give them access to certain papers in the record office.

Question. What were those papers ?

Answer. Entries and invoices.

Question. If, as you said, the merchants had that information, why was it so necessary that they should come to you ?

Answer. I do not know that it was necessary. Some merchants keep duplicates of all the papers. I believe the house of Boorman, Johnston & Co. are very careful to keep all their entries. I know that in several suits I have seen copies of their entries brought into court. But probably most houses do not do that. Where copies are so kept by the merchants, possibly it would not be necessary for the claim agents to apply to the custom-house for the papers to further the prosecution of the claims, provided the agents had the authority of the house to make up the claim.

Question. Who actually did get up the entries which those parties wanted ?

Answer. The different clerks in the office.

Question. And did they have to come to your desk, or in contact with you, for facilities in getting them up ?

Answer. No, sir. The papers were open to all hands in the office.

Question. Did Mr. Ogden, the auditor, have anything to say about it, or give any special directions discriminating in their favor, other than you have already indicated ?

Answer. Perhaps once or twice he did. I know Morgan L. Ogden was very angry at times, because he found that I was getting up papers for other parties, and he once brought me an order from the auditor, insisting that certain claims, indicating a number, should be got up without delay.

Question. To the best of your knowledge did these parties have papers from the custom-house through Grant ?

Answer. To the best of my knowledge and belief they did.

Question. With the knowledge of the auditor ?

Answer. I never questioned that at all. I know the auditor used to send the orders for those papers to Grant instead of to me.

Question. Why did he do that ?

Answer. I inferred that it was because the papers were for those parties—Douglas, Taylor, and Ogden.

Question. Were they the papers in the *second section* cases, as they are called ?

Answer. Yes, sir ; some of them were.

Question. Did those *second section* cases contain those entries and invoices ?

Answer. Yes, sir.

Question. Did not Grant have nearly all the orders for papers which were wanted from the record office ?

Answer. Nearly all in those cases.

Question. Do you know why ?

Answer. I do not ; unless it was because he was working for them, and I had refused to work for them.

Question. Did the auditor invariably give the orders to Grant ?

Answer. As a general rule, he did.

Question. Did Grant have a private closet or drawer in the record office, in which he kept the entries and invoices belonging to the files ?

Answer. Yes, sir.

Question. Did he retain the key of it after he was suspended from office ?

Answer. Yes, sir ; he was permitted to do so by the auditor.

Question. And after his removal also ?

Answer. Yes, sir.

Question. By the auditor's order?

Answer. I so understood.

Question. Did the auditor forbid your interference with those paper?

Answer. Yes, sir.

Question. Did he forbid you opening the case?

Answer. Yes, sir.

Question. Why?

Answer. Because when certain papers were called for, which I either knew or was told by one of my clerks were in those drawers, I took some bunches of keys which were in the office, and finding one that would fit, opened one of the cases and found the papers I was in search of.

Question. What took place then?

Answer. My memory is indistinct as to what occurred immediately after.

Question. Were you censured?

Answer. Eventually I was. Grant came to the office a little while after—I do not remember how long—and seeing that the case had been opened, raised a little storm about it. He asked who in hell had opened his desk or cupboard. I told him I had. He was very insolent about it, and went to Auditor Ogden. The auditor coming up to inquire into the matter, I told him that papers were called for which I had reason to believe were in one of those cases, and that I had taken such keys as were in the office, and succeeded in finding one that opened the case, and that I found some of the papers.

Question. What followed that?

Answer. The auditor asked me for the key. I found it after trial again, and he took it from the bunch; took possession of it, and sent for a locksmith and had it fitted more accurately to the lock. He stated to me that the collector desired those papers to remain there for the present; that the cases should remain closed, and the papers undisturbed.

Question. Did he retain the keys after that?

Answer. Yes, sir.

Question. Did he give any reason why he did not wish you to have access to the papers?

Answer. He stated at that time that the collector desired him to lock the case, and not have the papers disturbed.

Question. How long ago was this transaction?

Answer. During the year 1862.

Question. Do you know any reason why Grant should have had access to these papers after he was removed?

Answer. My impression is there was every reason why he should not have had access to them.

Question. Do you know any reason why he should?

Answer. None at all.

Question. How long did he have access to those papers after he was removed?

Answer. He retained the keys several months. It must have been three months, and it may have been six.

Question. Did the collector have any knowledge that he had those keys?

Answer. I know nothing further than that the auditor stated that the collector so instructed him.

By Mr. Rollins:

Question. What were the papers which were put into that case?

Answer. Entries and invoices which had been gotten together.

Question. Was Grant in the habit of going to that case after he was suspended?

Answer. He was there only a few times.

Question. Did he take away any papers?

Answer. I think the last time he came there he put some papers into his pocket and took them down to the auditor's room.

Question. Did the auditor censure you for having opened that case?

Answer. Virtually, he did.

Question. What was the theory you adopted with reference to the conduct of the auditor and Grant concerning that case?

Answer. That Grant was working for those parties, and the auditor was favoring them.

Question. Then, as the result of your experience there, you are led to believe that those parties have all the facilities afforded them that they can have?

Answer. I could not have any other impression.

Question. Did you ever see anything which looked like an attempt to interfere with and delay the business of any other parties?

Answer. At the time Douglass made me that offer to work out of office hours to get up his papers, I thought some other parties were favored more than he was; but afterwards Douglass and they hitched horses, and worked together. Then this man, A. W. Griswold, was another outsider, and I thought his claims were delayed when they should have taken their turn.

Question. Why were they delayed?

Answer. I supposed for no other reason than that he interfered with the profits of some other claim agents.

NEW YORK, *September 28*, 1864.

WILLIAM A. LEFFINGWELL recalled.

By Mr. Hulburd:

Question. You will recollect that you were asked on your former examination if inducements were not held out to you to make up these statements, or to exhibit papers in the office. You answered in reference to one party. I would ask you if those same inducements were not held out to you by more than one party; and if so, by whom?

Answer. I spoke of Taylor & Ogden on my former examination.

Question. What did Taylor offer you?

Answer. His conversations with me three or four times were in reference to my accepting that amount of money—ten, fifteen, or twenty thousand dollars—and as to giving him access to the papers. He said I could make ten or fifteen thousand, and perhaps twenty.

Question. Did he tell you how you could do it?

Answer. I understood he was to give me that amount if I would either procure him those papers, or leave them in such a position that he could get them.

Question. Did you ever receive anything from him?

Answer. I did long before that time.

Question. How much?

Answer. I do not know; in the course of several years it may have been two or three hundred dollars all told. Sometimes he or Ogden would make me a present. One day one party would come up and inquire about a certain claim, and how I was getting along with it; on another day another party would come in and want me to hurry it along, and promise to do what was right. Douglass, Taylor, and Ogden were the working men of the ring, as it was called.

Question. Did they have the facilities they asked for?

Answer. Not from me.

Question. Did they from any one?

Answer. I cannot answer that directly one way or the other, but I believe they got those facilities from another clerk in the office.

Question. Who was that other clerk?

Answer. Robert Grant.

Question. From what you saw or knew, have you reason to believe the auditor had any knowledge of these facilities being furnished?

Answer. I never questioned that he had.

Question. Then you answer that he had?

Answer. It is my impression that he must have known more or less about it one way or another.

Question. Can you give the committee the reasons or facts which lead you to that conclusion?

Answer. I judged so somewhat from the fact that very shortly after my refusal to accept those propositions, the orders which were sent up for those papers were put into Mr. Grant's hands.

Question. Who gave the orders?

Answer. They were always signed by the auditor.

Question. Previous to that you had received them?

Answer. Yes, sir; and after that my position was apparently ignored by the auditor.

Question. From the auditor or otherwise, did you ever receive any information why that change was made?

Answer. No, sir. After my refusal to give Taylor and Morgan L. Ogden the information and facilities they wanted, they threatened to have me turned out of my place, and thus annoyed me exceedingly at times by their threats. They kept me in hot water some time, and I felt exceedingly nervous about the matter. But they did not succeed in getting me out until seven or eight years afterwards.

Question. Why did they get you out then?

Answer. I suppose for the reason that Hiram Barney, the senior partner of the firm of Barney, Butler & Humphries, who were the counsel for some of those parties, became collector.

Question. When did your connexion with the custom-house cease?

Answer. In November, 1862.

Question. From whom did you receive your notice of dismissal?

Answer. The auditor sent me a note stating that he had been instructed by the collector to suspend me from duty and pay. This was on the 13th of the month, when the collector had gone to Washington. I asked Ogden what it meant. He said, "You can read it; I know nothing more about it than you do."

Question. Did you ever ascertain why you were removed?

Answer. Never. I shall always believe, until I have proof to the contrary, that it was the work of the auditor, of his brother, of Taylor, and of William A. Butler also, because he was in with them all the time, and there were several little things which led me to that conclusion, but which I cannot explain to you, because they consisted in the manner more than anything else. Butler would come up into the office with Ogden, and going through, would not treat me as my position called for.

By Mr. Rollins:

Question. After those propositions were made to you, and you refused, you say the papers were transferred to Grant?

Answer. Yes, sir, those lists.

Question. Immediately?

Answer. Very shortly after. It was soon after Redfield came in, but I cannot say how soon.

Question. Was Grant's position the same as yours in the custom-house?

Answer. I was chief clerk of records, and he was a clerk under me.

Question. Properly, then, the papers should have been in your custody?

Answer. I should have had cognizance of all business done in the office.

Question. Was any reason assigned to you for the change?

Answer. No, sir. The change was gradual; it was not done at one time so pointedly that I could notice it.

Question. And you say he was allowed a desk where he could lock up these papers?

Answer. Every clerk in the office has a drawer in his desk.

Question. How long did he remain in the custom-house?

Answer. From seven to nine years, if not longer.

Question. Did he remain there after you left?

Answer. He was removed before I left.

NEW YORK, *September 29, 1864.*

WILLIAM A. LEFFINGWELL, recalled.

By Mr. Hulburd:

Question. Was your salary paid during the time you were suspended?

Answer. It was paid up to the time I was suspended, but not after. I was suspended about ten days.

Question. Do you recollect of getting up the entries of Vyse & Sons, and did you experience any difficulty in finding the entries of the list which was given?

Answer. I experienced a great deal of difficulty not only about the cases of Vyse & Sons, but many others. Sometimes I could not find the papers at all. Sometimes the entries would not be on file.

Question. Whose fault was that?

Answer. They had been taken out of the file in some instances.

Question. In whose handwriting was the list of Vyse & Sons, which was given you?

Answer. There were three lists; I think the first was on a letter sheet, but I did not know the handwriting. Afterwards there were lists handed in, not in A. W. Griswold's handwriting, but on his paper, and in his clerk's handwriting. I remember, after Griswold's list came in, of inquiring of him if he knew the handwriting of another list of nearly the same vessels, and he said that was in Douglass's handwriting.

Question. How is the discrepancy of the names of the vessels, and the date of their arrival, as given in the lists, reconciled with the actual date of arrival?

Answer. On the lists there were sometimes the names of half a dozen vessels with dates against them, and I could not find arrivals to correspond. I told the auditor of it, and he told me to do the best I could with them, and to get up those I could find. I think I furnished a lot of entries to him.

Question. Was there anything wrong in this discrepancy between the names and dates of arrivals of vessels given on the list and the actual names and dates of arrivals?

Answer. I should say that the person who made up the list had not proper information in regard to it. I searched for the papers by the list given me, taking for granted that the lists were correct.

Question. Where does the person who makes up the list get the dates?

Answer. If the merchant makes out the list, he probably knows when the vessels arrived. This list of Vyse & Sons, in which these wrong dates occurred, and which, I was told, was in Douglass's handwriting, could not have been made up from the merchants' knowledge.

Question. Were, then, the dates guessed at, and was it expected that the dates would be corrected when the list was handed into the office?

Answer. I suppose so.

Question. How did you correct it?

Answer. I think we ascertained the proper dates of some of them, and ascertained the dates of the withdrawal from the warehouse books; but I am not positive about that.

By Mr. Rollins :

Questions. Were you instructed to make pretty diligent efforts to find those dates?

Answer. I do not remember about that. I told the auditor that the vessels had not arrived at the dates mentioned in the lists, and that something was wrong about it.

Question. What did he say?

Answer. If I remember aright, he told me to do the best I could.

NEW YORK, *October 1, 1864.*

SAMUEL G. OGDEN, a witness, being duly sworn, testified as follows:

By Mr. Hulburd:

Question. Are you connected with the New York custom-house?

Answer. Yes, sir.

Question. For how long a time?

Answer. Since 1841.

Question. In what capacity?

Answer. As auditor, since January, 1842.

Question. What are the duties of your office?

Answer. To keep, audit, and state the accounts of the collector with the Treasury Department, and make the disbursements.

Question. It has been suggested to the committee that the duties devolving upon the cashier of the custom-house might with safety and economy, and with equal convenience to the merchants, be devolved upon the United States treasurer in this city. The committee would like your opinion, formed from the result of your experience in your official position, upon that subject.

Answer. I think the only change which could be made with any advantage in that respect would be for the assistant treasurer to receive deposits and issue certificates for them, which would be received as money at the custom-house. We tried that for a while.

Question. What was the practical working of that plan?

Answer. It was thought that increased the speculation in coin. The money could be paid directly to the assistant treasurer, and he could give a receipt, which would be evidence of payment, to be received at the custom-house; but it would be indispensable that the same records of the amount should be kept at the custom-house as are now kept there.

Question. Are the facilities for counting and testing the genuineness or spuriousness of coin at the custom-house adequate to the business exigencies here?

Answer. I think they are.

Question. How would it be at the treasury?

Answer. They have experts at both places. There are men at the custom-house who will pick out false coin with great facility.

Question. What would be the effect, so far as the convenience of the merchants is concerned, of requiring the money to be paid in the first instance at the treasury, and taking certificates over to the custom-house?

Answer. It would be rather an inconvenience to the merchants, because they would have to go to another office, and would also have to go through the same forms at the custom-house which they have to go through now in making up the estimate of duties, &c., before they could get permits for delivery of the goods. It would rather complicate the business, and consume more time.

Question. Your opinion, then, would be that there would not be any great saving in expense?

Answer. There might be a little saving of expense, but not much. I have talked with Mr. Cisco upon the subject, and I thought he agreed with me upon the subject. I think the only change which could be made with advantage

would be to authorize the assistant treasurer to receive deposits in round sums, and issue certificates, which certificates should be received at the custom-house in payment of duties. A merchant who had a large amount of duties to pay, say \$5,000, would take the \$5,000 in gold to the assistant treasurer, and receive a certificate for it. That would save one count, and save the risk of transferring it from the one office to the other.

Question. The committee called upon you a few days ago for a statement of refunded duties. Have you that statement?

Answer. I have the statement made out in the office. It is as follows:

Abstract of duties refunded on merchandise imported into the district of New York from July 1, 1863, to June 30, 1864.

UNITED STATES DISTRICT COURT.

1863.				
June	10	A. A. Low <i>vs.</i> Augustus Schell.....	Judgment for amount of excess in estimating taels of Shanghai.....	\$11,307 18
	11	M. L. Dehon, executor, &c., <i>vs.</i> Augustus Schell.	Judgment for amount of excess in coastwise freight and charges.....	906 72
		M. L. Dehon <i>vs.</i> H. S. Redfield.....	do.....do.....	1,760 77
		J. H. Cuthbert <i>vs.</i> Augustus Schell.....	Judgment for amount of excess in reducing Macaquino currency.....	354 47
	17	G. B. Archer <i>et al.</i> <i>vs.</i> Augustus Schell..	Judgment for amount of excess in estimating taels of Shanghai.....	1,667 85
		H. Pratt McKean <i>et al.</i> <i>vs.</i> Aug. Schell..	do.....do.....	4,695 58
		Chas. H. Francis <i>et al.</i> <i>vs.</i> Aug. Schell...	do.....do.....	2,706 89
		S. W. Goodridge <i>et al.</i> <i>vs.</i> Aug. Schell...	do.....do.....	1,475 23
		W. S. Witmore <i>et al.</i> <i>vs.</i> Hiram Barney..	do.....do.....	1,122 49
	21	S. H. Pearce <i>et al.</i> <i>vs.</i> Hiram Barney ..	do.....do.....	523 51
		Daniel H. Davis <i>vs.</i> Aug. Schell.....	do.....do.....	1,624 67
		John Potter <i>vs.</i> Aug. Schell	do.....do.....	8,046 42
		G. B. Morewood <i>et al.</i> <i>vs.</i> Aug. Schell ..	do.....do.....	1,881 79
		John Potter <i>vs.</i> H. Barney	do.....do.....	733 75
		W. H. Fogg <i>vs.</i> Aug. Schell.....	do.....do.....	2,055 39
		W. H. Fogg <i>vs.</i> H. Barney.....	do.....do.....	1,113 78
		J. F. Goodridge <i>et al.</i> <i>vs.</i> Aug. Schell...	do.....do.....	605 94
		F. Goodridge <i>vs.</i> Aug. Schell.....	do.....do.....	789 43
		Geo. Christ <i>et al.</i> <i>vs.</i> Aug. Schell.....	do.....do.....	665 27
	23	Chas. Smith <i>et al.</i> <i>vs.</i> Aug. Schell	do.....do.....	908 82
		J. V. Kidder <i>vs.</i> Aug. Schell.....	do.....do.....	293 89
		R. B. Williams and H. A. Hall <i>vs.</i> Aug. Schell. .	do.....do.....	181 94
	24	Wm. Depew <i>vs.</i> Aug. Schell	do.....do.....	429 88
		Robert B. Williams <i>et al.</i> <i>vs.</i> Aug. Schell.	do.....do.....	622 30
		Charles Vyse <i>et al.</i> <i>vs.</i> Aug. Schell	Judgment for amount of excess on commis- sions.....	6,237 47
	27	J. J. Dixwell <i>vs.</i> Aug. Schell.....	Judgment for amount of excess in estimating taels of Shanghai.....	139 67
		F. Curtis & Peabody <i>vs.</i> H. Barney.....	do.....do.....	310 88
		Geo. A. Gardner <i>vs.</i> H. Barney	do.....do.....	144 64
	31	A. Iselin <i>et al.</i> <i>vs.</i> H. J. Redfield.....	Judgment for amount of excess on commis- sions and charges.....	1,709 55
		Wm. Sturgis <i>et al.</i> <i>vs.</i> H. J. Redfield	Judgment for amount of excess on commis- sions.....	5,754 11
		P. Choteau, jr., <i>et al.</i> <i>vs.</i> H. J. Redfield..	Judgment for amount of excess on coastwise freight, and charges	15,705 97
Aug.	14	Wm. Sturgis <i>et al.</i> <i>vs.</i> Aug. Schell	Judgment for amount of excess on commis- sions and charges.....	5,058 32
	20	S. H. Pearce <i>et al.</i> <i>vs.</i> Aug. Schell.....	Judgment for amount of excess in estimating taels of Shanghai ..	4,210 51
		M. H. Cushman <i>et al.</i> <i>vs.</i> Aug. Schell ...	Judgment for amount of excess on commis- sions.....	915 67
		Geo. A. Gardner <i>vs.</i> Aug. Schell	Judgment for amount of excess in estimating taels of Shanghai.....	209 63
	21	L. P. Morton <i>et al.</i> <i>vs.</i> Aug. Schell.....	Judgment for amount of excess on commis- sions.....	650 06
	22	A. Gihon <i>et al.</i> <i>vs.</i> H. J. Redfield.....	Judgment for amount of excess on commis- sions and charges.....	4,468 40
		Thos. Slocumb <i>et al.</i> <i>vs.</i> H. J. Redfield..	Judgment for amount of excess on commis- sions.....	3,201 73
	24	W. F. Cary <i>et al.</i> <i>vs.</i> Aug. Schell	Judgment for amount of excess in estimating taels of Shanghai.....	668 33
	25	E. H. Jacot <i>vs.</i> H. J. Redfield.....	Judgment for amount of excess on commis- sions and charges.....	1,245 01
	29	Thomas Slocumb <i>et al.</i> <i>vs.</i> Aug. Schell..	Judgment for amount of excess on commis- sions.....	4,528 51
		R. H. & J. H. Ishaman <i>vs.</i> H. J. Redfield.	Judgment for amount of excess on penalty..	1,132 67
		W. Brand <i>et al.</i> <i>vs.</i> H. J. Redfield	Judgment for excess of duties exacted on commissions and charges.....	4,794 87
Sept.	30	W. Brand <i>et al.</i> <i>vs.</i> Aug. Schell.....	do.....do.....	3,274 80
Oct.	31	L. P. Morton <i>et al.</i> <i>vs.</i> Aug. Schell.....	do.....do.....	3,946 14

Abstract of duties refunded on merchandise imported, &c.—Continued.

1863.				
Nov.	5	Geo. J. Stepheson vs. G. C. Bronson....	Judgment for excess of duties in reducing Macaquino currency.....	\$892 63
		Geo. J. Stepheson vs. H. Maxwell	do do	744 46
		Geo. J. Stepheson vs. H. J. Redfield.....	do do	910 48
	6	Chs. Payne vs. Aug. Schell	Judgment for excess of duties on commissions and charges.....	904 16
		H. Meyer et al. vs. Aug. Schell	do do	383 50
	12	Sturges et al. vs. Aug. Schell	Judgment for excess of duties in reducing Macaquino currency.....	896 72
	17	G. Hessenberg et al. vs. Aug. Schell	Judgment for excess of duties on commissions and charges.....	511 85
	23	M. Dehond et al. vs. Aug. Schell.....	Judgment for excess of duties on penalty.....	2,553 65
	27	J. V. Onatavia et al. vs. Aug. Schell.....	Judgment for overpayment on bond.....	209 85
		Chs. P. Macx et al. vs. H. Barney	do do	124 95
		Jno. Roboton et al. vs. Aug. Schell.....	do do	188 68
		G. G. Smith et al. vs. Aug. Schell	do do	122 84
		L. Macx et al. vs. Aug. Schell	do do	145 77
		J. Straiton et al. vs. Aug. Schell.....	do do	161 27
		S. Scheiffen et al. vs. Aug. Schell.....	do do	242 01
		Jayne Reynas et al. vs. Aug. Schell.....	do do	214 83
		Edward Fort et al. vs. Aug. Schell.....	do do	230 01
		J. J. Eagleton vs. Aug. Schell.....	do do	346 44
		F. Butterfield vs. Aug. Schell.....	do do	416 46
		M. Lienau vs. Aug. Schell.....	do do	167 94
		T. W. Bayard vs. Aug. Schell.....	do do	215 64
		Geo. Young et al. vs. Aug. Schell.....	do do	213 49
		Boonen Graves et al. vs. Aug. Schell.....	do do	157 15
		J. Straiton et al. vs. Aug. Schell.....	do do	144 78
		A. P. Phelps et al. vs. Aug. Schell.....	do do	653 34
		F. Siffkin et al. vs. Aug. Schell.....	do do	345 32
		E. A. Oelrich et al. vs. Aug. Schell.....	do do	1,251 18
		G. A. Scheidar et al. vs. Aug. Schell.....	do do	143 64
		H. Myer et al. vs. Aug. Schell.....	do do	156 45
		C. W. Schuffner et al. vs. Aug. Schell.....	do do	442 67
		J. D. Fowler et al. vs. Aug. Schell.....	do do	214 82
		S. Livingston et al. vs. Aug. Schell.....	do do	575 71
		G. W. Faber vs. Aug. Schell.....	do do	148 96
		J. G. Bokee et al. vs. Aug. Schell.....	do do	182 84
		H. H. Elliott et al. vs. Aug. Schell.....	do do	186 29
		Wm. L. King et al. vs. Aug. Schell.....	do do	496 23
		F. Gimbenar et al. vs. Aug. Schell.....	do do	189 79
		H. Nordinger vs. H. J. Redfield	do do	202 03
		N. Gutman et al. vs. Aug. Schell.....	do do	145 70
		Wm. Brugier et al. vs. Aug. Schell.....	do do	120 82
		G. A. Fanshawe et al. vs. Aug. Schell.....	do do	133 79
		R. Fischer et al. vs. Aug. Schell.....	do do	317 71
		Wm. Labach et al. vs. Aug. Schell.....	do do	146 16
		J. A. Simpson et al. vs. Aug. Schell.....	do do	217 60
	28	John Syz et al. vs. Aug. Schell	Judgment for excess on commissions and charges	1,116 16
	30	W. Brand et al. vs. H. J. Redfield	Judgment for excess on hemp carpeting	4,181 30
		W. H. Hertzman vs. H. J. Redfield.....	Judgment for excess on polished crown window glass	423 27
		H. Maas vs. H. J. Redfield	Judgment for excess on commissions and charges	392 93
Dec.	5	A. C. Rosseir et al. vs. Aug. Schell.....	Judgment for excess on warehouse entry	166 04
		W. Brand et al. vs. H. J. Redfield.....	Judgment for excess on hemp carpeting	8,177 71
		P. A. H. Renauld et al. vs. Aug. Schell.....	Judgment for excess on commissions and charges	10,990 80
		T. Passavant et al. vs. Aug. Schell.....	do do	1,308 02
		J. Chasletain et al. vs. Aug. Schell.....	Judgment for excess on reducing Macaquino currency.....	70 53
		R. Bayley, jr. vs. H. J. Redfield	do do	175 27
		Schuffner et al. vs. H. J. Redfield.....	Judgment for excess on cylinder wind'w glass.....	177 57
		Geo. W. Henning et al. vs. Aug. Schell.....	Judgment for overpayment on bond.....	168 79
		Jas. Hassen et al. vs. H. J. Redfield.....	do do	151 24
		A. M. Lawrence vs. Aug. Schell.....	do do	126 72
		J. Peerless, ex'r, &c., vs. Aug. Schell.....	do do	131 25
		Jos. Morrison vs. Aug. Schell.....	do do	474 59
		A. H. Iselin et al. vs. Aug. Schell.....	do do	319 86
		J. B. Wellington et al. vs. Aug. Schell.....	do do	316 51
		R. M. Esleves et al. vs. Aug. Schell.....	do do	300 12
		M. H. Cashman et al. vs. Aug. Schell.....	do do	147 46
		R. M. Gomez et al. vs. Aug. Schell.....	do do	2,017 75
		Geo. F. Plume vs. Aug. Schell.....	do do	286 40
		F. E. Ives et al. vs. Aug. Schell.....	do do	326 60
		D. Wallenstein et al. vs. Aug. Schell.....	do do	290 80
		T. T. Sturgis vs. Aug. Schell.....	do do	673 58
		F. S. Whitman et al. vs. Aug. Schell.....	do do	146 47
		Wm. J. Daland vs. H. Barney.....	do do	159 67
		P. Westayer et al. vs. Aug. Schell.....	do do	219 42
	9	E. H. Jacob vs. Aug. Schell.....	Judgment for excess on freight and charges	174 10
	10	H. Schondorff et al. vs. Aug. Schell.....	Judgment for excess on commissions and charges	545 86

Abstract of duties refunded on merchandise imported, &c.—Continued.

1864.				
Jan.	6	A. H. Irelin <i>et al.</i> vs. H. Barney	Judgment for excess on worsteds.....	\$195 35
		T. H. Powers <i>et al.</i> vs. H. Barney	Judgment for excess on Peruvian bark	1, 525 74
	9	J. W. Schulten <i>et al.</i> vs. Aug. Schell	Judgment for excess on commissions and charges.....	1, 410 02
	11	A. Troost <i>et al.</i> vs. H. Barney	Judgment for excess on manufacture of jute.....	18, 172 35
		V. Barsalon vs. Aug. Schell	Judgment for excess on commissions and charges.....	2, 287 17
		W. Brand vs. G. C. Bronson.....	Judgment for excess on carpeting	2, 917 64
		E. W. Dunham vs. H. Maxwell.....	Judgment for excess on reducing Macaquino currency.....	648 33
		E. W. Dunham <i>et al.</i> vs. H. J. Redfield.....	Judgment for amount of excess exacted on reducing Macaquino to federal currency..	413 48
		F. Dwight, ex'r, vs. Aug. Schell.....	do.....do.....	635 53
		F. Dwight, ex'r, vs. H. J. Redfield.....	do.....do.....	1, 195 21
		F. Dwight, ex'r, vs. G. C. Bronson.....	do.....do.....	75 50
	12	E. Pavenstadt <i>et al.</i> vs. Aug. Schell.....	do.....do.....	1, 281 17
		E. W. Dunham <i>et al.</i> vs. G. C. Bronson.....	do.....do.....	627 71
	27	M. Maas vs. Aug. Schell.....	Judgment for amount of excess on commissions and charges.....	532 99
	30	W. Banendahl <i>et al.</i> vs. Aug. Schell	Judgment for amount of excess on commissions and freight.....	2, 770 43
		Wm. Sturgis <i>et al.</i> vs. H. J. Redfield....	Judgment for amount of excess on commissions and charges.....	2, 174 29
		H. E. Gillilan <i>et al.</i> vs. Aug. Schell	Judgment for amount of excess on commissions.....	2, 808 49
Feb.	3	E. Caylus <i>et al.</i> vs. Aug. Schell.....	Judgment for amount of excess on warehouse bond	131 24
		F. Galwey <i>et al.</i> vs. Aug. Schell.....	do.....do.....	822 17
		H. L. Henry <i>et al.</i> vs. Aug. Schell	do.....do.....	211 83
		D. Stewart <i>et al.</i> vs. Aug. Schell.....	do.....do.....	350 25
		S. Guillaume <i>et al.</i> vs. Aug. Schell	Judgment for amount of excess on commissions.....	2, 048 01
	13	Geo. Moke <i>et al.</i> vs. H. Barney	Judgment for amount of excess on draft.....	175 55
		J. Napier <i>et al.</i> vs. H. Barney	do.....do.....	143 03
		P. Fachiri <i>et al.</i> vs. H. Barney	do.....do.....	252 32
		H. A. Swan vs. H. Barney	do.....do.....	243 58
		E. B. Strange <i>et al.</i> vs. H. J. Redfield....	Judgment for amount of excess on freight and charges.....	273 59
		A. Irelin vs. Aug. Schell	Judgment for amount of excess on commissions and charges.....	1, 944 36
		Monceif & Mitchel <i>et al.</i> vs. H. J. Redfield.....	Judgment for amount of excess on commissions.....	570 14
		E. B. Strange <i>et al.</i> vs. H. J. Redfield....	Judgment for amount of excess on transportation and charges.....	383 42
	18	Wm. Watson <i>et al.</i> vs. Aug. Schell	Judgment for amount of excess on commissions and charges.....	6, 218 14
	20	L. K. Bridge <i>et al.</i> vs. H. J. Redfield....	Judgment for amount of overpayment on warehouse bond.....	432 48
	22	Wm. Watson <i>et al.</i> vs. H. J. Redfield....	Judgment for amount of excess on commissions and charges.....	5, 758 14
	24	Wm. Brand <i>et al.</i> vs. H. J. Redfield....	Judgment for amount of excess on different manufactures of jute.....	1, 143 81
		Wm. Brand <i>et al.</i> vs. Aug. Schell.....	do.....do.....	125 62
	29	F. W. Reimer <i>et al.</i> vs. H. Barney	Judgment for amount of excess on worsteds.....	719 21
		T. G. Schomberg vs. H. Maxwell.....	Judgment for amount of excess in reducing Macaquino currency.....	183 23
March	14	G. A. Gardiner vs. H. Barney	Judgment for amount of excess on estimated tael of Shanghai	187 18
		J. V. Kidder vs. H. Barney	do.....do.....	124 20
		D. H. Davis vs. H. Barney	do.....do.....	252 56
		W. S. Wetmore <i>et al.</i> vs. Aug. Schell.....	do.....do.....	1, 119 32
	16	F. Butterfield <i>et al.</i> vs. H. J. Redfield....	Judgment for amount of excess on corduroys, velvets, &c	1, 244 42
		G. H. Stuart <i>et al.</i> vs. H. J. Redfield....	Judgment for amount of excess on commissions and charges.....	914 18
		G. F. Heye <i>et al.</i> vs. H. J. Redfield	Judgment for amount of excess on commissions.....	465 21
April	4	Jas. A. Henderson <i>et al.</i> vs. Aug. Schell.....	Judgment for amount of excess on freight and charges.....	1, 577 29
	7	P. A. H. Renauld <i>et al.</i> vs. H. J. Redfield.....	Judgment for amount of excess on commissions and charges.....	10, 781 28
	11	Geo. H. Stuart <i>et al.</i> vs. Aug. Schell.....	do.....do.....	2, 331 49
	19	A. C. Rosseir <i>et al.</i> vs. H. Maxwell	Judgment on amount of excess on reducing Macaquino currency.....	657 50
		J. S. Sturgis <i>et al.</i> vs. H. Barney	Judgment on amount of excess on draft.....	1, 574 93
		J. V. Onalivia <i>et al.</i> vs. H. Barney.....	Judgment for excess of duties for non-allowance of draft	983 47
		A. C. Rosseir <i>et al.</i> vs. Aug. Schell.....	Judgment for excess on reducing Macaquino currency.....	296 75
		A. C. Rosseir <i>et al.</i> vs. G. C. Bronson	do.....do.....	209 24
		A. C. Rosseir <i>et al.</i> vs. H. J. Redfield....	do.....do.....	2, 105 36

Abstract of duties refunded on merchandise imported, &c.—Continued.

1864.				
April	21	W. Clapp <i>et al.</i> vs. Aug. Schell.....	Judgment for excess on commission and charges.....	\$609 12
		J. S. Massett vs. H. Maxwell.....	Judgment for excess on freight and transportation charges.....	11,821 73
	29	H. J. Baker vs. H. Barney.....	Judgment for excess on reducing tael of Shanghai.....	1,665 09
		James Napier <i>et al.</i> vs. H. Barney.....	do.....do.....	329 46
	30	M. Echeveria <i>et al.</i> vs. H. Barney.....	Judgment for excess on discriminating duty.....	2,894 76
May	6	W. H. Smith <i>et al.</i> vs. H. Barney.....	Judgment for excess on raw silk.....	1,093 95
	14	Joseph Wild <i>et al.</i> vs. H. J. Redfield.....	Judgment for excess on hemp carpeting.....	2,464 69
	23	D. Knowlton vs. H. Barney.....	Judgment for excess on non-allowance of draft.....	299 81
		J. F. Schepeler <i>et al.</i> vs. H. Barney.....	Judgment for excess on discriminating duty.....	3,515 68
		M. Echeveria <i>et al.</i> vs. H. Barney.....	do.....do.....	3,276 76
	26	A. A. Low <i>et al.</i> vs. H. Barney.....	Judgment for excess on non-allowance of draft.....	1,220 61
	28	V. Therion <i>et al.</i> vs. Aug. Schell.....	Judgment for excess on commission and charges.....	2,165 29
		Septimus Crooks vs. Aug. Schell.....	Judgment for excess on freight on iron for Great Britain.....	953 44
	31	Geo. G. Sampson <i>et al.</i> vs. Aug. Schell.....	Judgment for excess on freight and transportation charges.....	8,487 17
June	3	A. Journey <i>et al.</i> vs. Aug. Schell.....	Judgment for excess on hemp carpeting.....	385 57
		A. Journey <i>et al.</i> vs. H. J. Redfield.....	do.....do.....	969 52
		J. C. Kilgour <i>et al.</i> vs. H. J. Redfield.....	do.....do.....	1,294 76
		R. Slemmon <i>et al.</i> vs. H. J. Redfield.....	do.....do.....	480 37
		J. D. McKenzie <i>et al.</i> vs. H. Barney.....	Judgment for excess on non-allowance of draft.....	367 63
		F. Westray <i>et al.</i> vs. H. Barney.....	do.....do.....	236 46
		George Opdyke <i>et al.</i> vs. Aug. Schell.....	Judgment for excess on blankets.....	162 23
	4	George Opdyke <i>et al.</i> vs. H. J. Redfield.....	do.....do.....	1,829 31
	7	J. H. Hardt <i>et al.</i> vs. H. J. Redfield.....	Judgment for excess on commission and charges.....	1,407 65
	10	J. Goodband vs. H. J. Redfield.....	Judgment for excess on commissions.....	643 80
		George D. Parrish vs. Aug. Schell.....	Judgment for excess on commission and charges.....	2,120 83
		W. Carter <i>et al.</i> vs. H. J. Redfield.....	Judgment for excess on commission.....	659 00
		E. R. Goodridge vs. H. Barney.....	Judgment for excess on draft.....	617 67
		A. La Chain <i>et al.</i> vs. H. J. Redfield.....	Judgment for excess on commission and charges.....	8,187 18
	13	W. Hadden <i>et al.</i> vs. H. J. Redfield.....	Judgment for excess on hemp carpeting.....	619 40
		D. Hadden <i>et al.</i> vs. H. J. Redfield.....	do.....do.....	4,348 61
		D. Hadden <i>et al.</i> vs. G. C. Bronson.....	do.....do.....	1,486 20
		D. Hadden <i>et al.</i> vs. H. Maxwell.....	do.....do.....	2,411 76
	17	Thos. Fielding <i>et al.</i> vs. H. J. Redfield.....	Judgment for excess on commission and charges.....	361 47
	20	E. Pavenstedt <i>et al.</i> vs. H. Barney.....	Judgment for excess on draft.....	777 71
	30	C. E. Johnston vs. H. Barney.....	do.....do.....	977 20
		J. P. Negropont vs. H. Barney.....	do.....do.....	438 29
		John Gallop <i>et al.</i> vs. H. Barney.....	do.....do.....	161 02
				324,695 28

Abstract of duties refunded by Treasury drafts on merchandise imported into the district of New York from July 1, 1863, to June 30, 1864.

1863.				
July	8	Dow, Young & Co.....	On deficiency on sugar.....	\$43 73
	13	Charles Luling.....	do.....do.....	262 75
		John E. Forbes & Co.....	On damage on hemp, per "Home".....	18 24
		L. Von Hoffman & Co.....	On error in liquidation.....	57 30
	14	Walden & Booth.....	On error in rate goat-skins.....	57 60
	27	Naef & Scharppi.....	On error in rate of silks.....	538 05
Aug.	3	F. Duysters.....	On error in rate of window-glass.....	353 00
		Merrick & Bull.....	On damage, "Ceres".....	69 84
	5	J. & J. Stuart.....	On discount on linens.....	23 85
		H. W. T. Mali & Co.....	On error in estimating damages.....	26 00
	7	W. Brunner & Co.....	On damages on several imports.....	71 36
		T. C. Foot & Taylor.....	On error, per "Marathon".....	41 40
		H. Auffmordt & Co.....	On error in silk velvets.....	50 00
	9	Siegman Bros. & Co.....	On error in rate of silk and cotton.....	46 30
	11	Haggerty & Co.....	On error in weight.....	11 76
		Britton Bros.....	On error on silks.....	31 80
	14	C. F. Weber.....	On damage on calfskins.....	12 75
	15	Siegman Bros. & Co.....	On damage on woollens.....	52 39
		G. W. Roder.....	On damage on window-glass.....	533 10
		W. Fleetman & Nuss.....	On damage on needles.....	47 45
	20	Napin, Wellsford & Rankin.....	On damage on sugar.....	12 13
	22	C. T. & H. G. Schmidt.....	On damage on wines.....	64 50
		W. A. Jale & Co.....	On damage on hemp.....	30 02

Abstract of duties refunded by treasury drafts, &c.—Continued.

1863.				
Sept.	4	George Rogge	On damage on woollen flock	\$21 36
	11	Burkard & Hutton	On deficiency and damages, "Bremen"	122 75
		Burkard & Hutton	On deficiency and damages, "Edinburgh"	202 62
	14	J. Watson Taylor	On deficiency and damages, "Webster"	53 73
	15	C. Dord & Co	On deficiency on straw goods	96 24
Oct.	22	Merrill & Abbott	On tonnage "Kate Merrill"	221 50
Nov.	1	Fisher, Donnolly & Co	On worsted and blankets	7 04
	5	Ed. Brecoalt	On window-glass	222 06
	6	Read, Taylor & Co	On "Persia"	35 00
		Cones, Baker & Son	On coal, damage	23 56
		H. A. Richard	On raisins, damage	30 96
		P. Speyer & Co	On woollens and window-glass	488 86
		A. Richard	On worsted, sea damage	10 85
		A. C. Rosseir & Co	On raw sugar	290 48
	13	Thomson Bros. & Defries	On "Australian"	103 70
	14	Wm. Brunner & Co	On manufactured rubber and cotton	45 45
		M. E. Green & Currier	On ox-hides, (free)	8 80
	16	Passavant & Co	On silk velvets	90 30
	27	Peterson & Baigon	On deer-skins	153 55
	28	Huen Moulon	On brandy	12 00
		T. W. Reeve	On date of entry	22 85
		White, Brown, Davis & Co	On mohair coatings	239 90
Dec.	7	Huschfield & Stern	On cotton checks	75 75
	8	A. T. Stewart & Co	On cottons, "City of Washington"	611 18
		Do	On linens, "D. Hoadly"	1 25
		Do	On cottons, "City of New York"	344 19
		Do	On linens and worsted, "Arabia"	54 03
	10	Do	On silks, "Bremen"	149 10
		Leshe & Co	On ale, allow 10 per cent. for leakage	46 00
		Sturgis, Bennett & Co	On coffee, dairy	320 65
		Keyes Bros	On deficiency in sugar	23 28
	16	Joseph Eneas	On error in rate	17 40
		Fisher, Donnolly & Co	On clerical error in statement	7 62
		Schuffrer & Mulden	On cylinder glass	176 94
		Olyphant, Son & Co	On tea damages	1,215 00
		Cohn, Lazarus & Co	On woollen flock, date of ship	35 70
	30	Joseph Rothschild	On cloths entitled to entry under act of '57 ..	15 99
1864.				
Jan.	7	J. L. Phipps & Co	On coffee damages	54 05
		A. T. Stewart & Co	On overpayment, warehouse entry	110 75
		Do	On cottons	205 20
	14	Nord & Olberman	On woollen cloths	69 60
	18	Chapman, Lyon & Noyes	On date of entry	168 05
		Walsh, Coulter & Co	do	65 75
		Cooper & Pond	do	7 95
		Barbour Bros	do	25 20
		A. G. Findley	do	47 24
		Johnson, Byrn & J	do	16 40
		J. A. Sweetzer & Co	do	137 20
		John Gilroy	do	48 50
		Brown, Pangburn & Co	do	9 45
	22	J. Leaycraft	On old copper, "Indus"	21 99
	25	Gomez, Wallis & Co	On canary seed, "Lottie"	3 40
		Do	On licorice root, "Mystery"	204 79
		Do	do	284 16
		Do	do	52 39
		Do	do	109 57
		Do	On almonds, "Bonito"	141 45
Feb.	—	Stone & Co	On manufac's of silks, worsted, and cotton ..	227 42
	19	M. Wehrfritz	On prohibited goods	28 80
	22	H. Saulter & Waner	On pig-iron	68 88
April	13	Paul A. Bing	On watches	195 30
		Jules Lonimer	do	158 90
		Middleton & Poole	do	90 23
		A. Peeson & Herriman	On silks and leather gloves	311 73
May	4	Crocker, Wood & Co	On damages and deficiency	86 20
		John L. Gardner	On deficiency on sugar	165 60
	16	A. C. Rosseir & Co	do	314 60
June	3	F. Berthoud & Co	On damages sumac	10 50
	9	D. St. Amant	On mineral bottles, &c., 50 per cent.	68 20
	10	B. & P. Lawrence	On parchment entered as paper	25 25
	15	Edwin Thompson	On Chilian dollars	40 45
	18	Grinnell, Minturn & Co	On draft	560 44
				12,188 55

RECAPITULATION.

Amount paid in suits	\$324,695 38
Amount paid by tax on Treasury drafts	12,188 55
Gross amount of refunds paid	336,873 93

Question. Please state the result for the fiscal year commencing July 1, 1863?

Answer. It appears that the total sum is \$336,873 93, of which \$324,695 38 was paid on judgments obtained against the different collectors, and \$12,188 55 was paid on drafts transmitted from the treasurer in favor of the claimants.

Question. And you are ordered to pay the amount to the claimants?

Answer. Yes, sir, or to their attorneys.

Question. And is the \$12,188 55 the amount which is paid on cases which are adjusted and liquidated at the Treasury Department without suit?

Answer. Yes, sir; on statements submitted and certified by the collector and naval officer. The payments were made by treasury drafts in favor of the parties.

Question. How are the payments made in cases where there are suits?

Answer. The statements are submitted to the Treasury Department, examined there, and drafts for the amounts remitted to the collector, as the disbursing agent.

Question. Does the Treasurer issue his drafts payable to the auditor or collector?

Answer. Yes, sir.

Question. How is the money distributed?

Answer. The attorney in the case signs duplicate receipts, and we give him a check for the amount.

Question. Upon whom devolves the duty of examining into the amount which is sufficient to discharge the judgment?

Answer. That devolves upon myself and my assistants. We do not pay the amount until we get the certificate of the clerk of the court that the judgment has been satisfied of record. That certificate you will find attached to every case. When we get that certificate, and the receipt of the attorney, we pay the money, and not until then.

Question. Is it not usual to pay a judgment first, and to get a certificate of satisfaction afterwards?

Answer. Yes, sir; but we cannot do that. We require them to produce a satisfaction of judgment before we pay the money. After we have once paid the money, we find it difficult to get anything; but we can get anything we want before we pay the money.

Question. Is the money paid to claimants or to their attorneys on your check, or on the check of the collector?

Answer. On my check as auditor, as all other disbursements are made.

Question. If the treasury order is deposited by the collector to his credit, how can you check for it?

Answer. The collector authorizes me to draw on his behalf, otherwise I could not do it. He might draw all the checks himself, and not delegate the right to anybody else.

Question. Are those treasury drafts ever made payable to your order?

Answer. No, sir; when I speak of my check, I mean the collector's check, which I am authorized to draw for him.

Question. Is not the payment of refunded duties, as shown by the exhibit you have presented to the committee, liable to abuses in the manner in which it is done?

Answer. I may say that it is liable to some abuses, as the testimony before you shows.

Question. Are not claims of this kind against the government multiplying in a greater ratio than the increase of the business of the port would seem to justify?

Answer. The claims of the description referred to are barred by the statute of limitations. Since the legislation of 1857, requiring a protest in every case, the previous objections are pretty much overcome.

Question. These payments are made on judgments obtained against collectors, after being properly approved at the department. How far is your bureau concluded by the rendition of those judgments? That is, have you a right to go back of them?

Answer. We consider that we are concluded only to the extent of the principle established by the court, but that we have a right to correct all matters of detail in the calculations; or, when the regulations of the department have been ignored by the court, to bring the question up for decision.

Question. Is that a treasury regulation, or is it law?

Answer. It is usage, and it is right.

Question. Is it not, in fact, the practice of the United States district attorney to allow verdicts to be taken, say in a hundred cases at a time, the amount of the judgment in each to be subject to adjustment at the custom-house?

Answer. Verdicts are sometimes taken in that way. Formerly the judgments were adjusted by the custom-house officers, but recently by the clerk of the court.

Question. Is that done by order of the department?

Answer. It was so changed by the direction of the court, on the complaint, I believe, of some attorneys, that they did not like their cases to be tried over again at the custom-house—and of one man in particular, who has been very bitter against the custom-house because he has been regarded with suspicion, and suspected of doing improper things. He was excluded by the Treasury Department from the custom-house.

Question. Who is he?

Answer. Almon W. Griswold.

Question. Do you know of any good reason for such complaint on his part?

Answer. There was in reality no reason, because he was always afforded all proper facilities, the same as any one else. He was forbidden access to the custom-house by order of the Treasury Department, a copy of which is as follows:

TREASURY DEPARTMENT,

July 19, 1858.

SIR: I enclose copy of a letter addressed by A. W. Griswold, to one of the clerks of my office, proposing a course of action not only inconsistent with his duty as a public officer, but evidently containing a corrupt overture.

A person who is capable of writing a letter of that character should not be recognized as an agent or attorney in any transactions in which the United States are concerned. You are therefore instructed to direct all the officers of the customs at your port to refuse all intercourse with Mr. Griswold in regard to transactions of business with them as such. Should any of the officers of the custom-house furnish Mr. Griswold any information or facility whatever, I will thank you to report the case at once.

Very respectfully, your obedient servant,

HOWELL COBB,

Secretary of the Treasury.

AUGUSTUS SCHELL, Esq.,

Collector, New York.

Question. What is the effect, so far as the interest of the government is concerned, of having these adjustments made by the clerk of the court, rather than by the officers of the custom-house?

Answer. If they were adjusted in the custom-house there would be a very strict adherence to the Treasury Department, and money would be saved to the government. For instance, we would always apply the statute of limitations—a thing which has not been done in cases adjusted by the clerk of the court.

We have had occasion to ask for a case to be opened because that plea had not been put in; but the court denied the application. There are three cases of that kind now pending.

Question. Had that plea been interposed in the first instance, would it have been valid, and the court, by its rules, compelled to receive it?

Answer. Yes, sir.

Question. Whose fault was it that this plea was not interposed?

Answer. I think in all cases it should have been interposed by the district attorney.

Question. Do you know any reason why it was not done?

Answer. No, sir; and I cannot imagine any.

Question. Was there anything in those cases which involved a necessity for departing from the usual professional practice of interposing that plea?

Answer. No, sir; on the contrary, the district attorney was expressly directed by the printed regulations to interpose it in all cases where it would apply. The only cases that I am aware of in which it has not been applied when it should have been are the cases represented by Almon W. Griswold. This shows the propriety of having the judgments adjusted at the custom-house where the regulations of the department would be strictly applied. When adjusted by the clerk of the court, the rule of the court, as to the technicalities, govern, and when the plea is not put in at the proper time the clerk will not consider it.

Question. Except Mr. Griswold's cases, you are not aware of any other such cases?

Answer. I am confident there are no others.

Question. It is in testimony that verdicts are often taken in large numbers, subject to adjustment, with the understanding that they may be opened in case this plea might be interposed. Have you known of any instances where they have been opened for the purpose of admitting that plea?

Answer. I do not think there has been any such case.

Question. Do you know whether any of Griswold's cases have been opened?

Answer. No, sir; we have attempted to open his cases.

Question. What is the obstacle in the way of success?

Answer. The refusal of the court to grant an order to reopen.

Question. Upon objection made by Griswold's counsel.

Answer. Yes, sir. In some of the cases which I refer to, Mr. Maxwell, who was collector, and against whom the suits were brought, came into court himself and argued the motion, but still the court refused, upon the ground that the plea was not put in seasonably.

Question. Are there any of his cases now undisposed of which should have been estopped by the interposition of that plea?

Answer. There are several now pending, three of which the collector has been directed by the Solicitor of the Treasury to certify, he having ascertained from the district attorney that they could not be reopened. And there are some three or four other cases in the same condition which have been referred to the Treasury Department.

Question. When the court refuses to reopen a case is there any remedy?

Answer. An appeal might be taken to the Supreme Court.

Question. What is the amount involved in those cases?

Answer. Over \$2,000 in each; sufficient to allow the cases to be carried up.

Question. From your knowledge of those cases, could that plea have been effectually interposed, if interposed seasonably?

Answer. Most undoubtedly.

Question. Do you know of any other peculiar circumstances attending his cases?

Answer. We have reason to suppose that in some of his cases the protests

have been tampered with, and the dates altered. Some of the entries in one of his cases, which seemed to present that feature, I brought to the collector. The protest had evidently been altered. The collector agreed with me in that opinion, and we sent for the district attorney, Smith, to consult him, and discuss the propriety of further examination. The district attorney admitted that the papers bore internal evidence of having been altered, but that it was impossible to fix the charge upon any particular individual.

Question. Who makes those protests in the first instance?

Answer. The importers.

Question. Who has the custody of them afterwards?

Answer. The custom-house.

Question. How do they pass out of the possession of the custom-house into the hands of the claim agents—Griswold, or others?

Answer. They never should pass out.

Question. How do they?

Answer. That may be done by the bribery of a clerk, or by Griswold being afforded improper access to them.

Question. These protests are attached to the entries, and thus made a part of the case, are they not?

Answer. Yes, sir.

Question. Who produces the case of which the protest forms a part?

Answer. The protest first appears, attached to the entry, in court—that is, if they are brought into court.

Question. When does the protest first appear?

Answer. On the adjustment of the case. The practice in reference to protests has been changed recently, and a much safer mode than formerly prevailed is now adopted. The protests, instead of being attached to the entries, are lodged in duplicate at the custom-house, and one copy daily transmitted to the Treasury Department.

Question. The committee have heard something about prospective protests. What is the nature of a prospective protest?

Answer. A prospective protest is one which contains a clause of objection to all future similar cases.

Question. Between the same parties, or between the same party and any future collector?

Answer. It has been extended even to the latter case, and that description of protest has been held by the court in this district to be valid—to be binding even upon the successor of the collector then in office. It is supposed to be authorized by the decision of the Supreme Court in the case of *Broom vs. Mariott*, collector at Baltimore.

Question. Is that construction peculiar to this district?

Answer. There have been conflicting decisions. I think the circuit court at Boston made a different decision.

Question. How are such protests now regarded at the custom-house?

Answer. The courts allow them in all judgment cases, but the custom-house rejects them in all cases which they adjust, under instructions from the Treasury Department stating that they are not valid.

Question. You have stated that these protests may have been obtained by bribing clerks, or by obtaining improper access to the papers. Can these claim agents for the repayment of excess of duties sustain their cases without obtaining this information at the custom-house?

Answer. Yes, sir; from information derived from the merchants, many of whom keep a book in which they record all the protests which they make.

Question. The committee have been furnished with a list of suits which these claim agents have brought without the consent or even privity of the parties. Where could they get the information upon which they do that?

Answer. I cannot tell. There is one way in which they may obtain it.

They know, of course, what kind of business the importers are engaged in. Take, for instance, these commission cases. They know the men who import goods from England, and they know that it has been decided that the usual rate of commissions is one and a half per cent., but that by direction of the Treasury Department they were charged two and a half per cent.; and they know that a merchant who has paid that has a claim for refund upon all his importations. Now, all the claim agent wants is a list of the importations, and that, I understand, they sometimes obtain from the shipping list; but generally, I presume, they obtain the information from the merchants themselves. It may be, of course, that the information is furnished by some clerk in the custom-house who has charge of the entries. Such a clerk has the means of doing it.

Question. Could it be supplied by an entry clerk?

Answer. Probably not.

Question. Then who can supply it?

Answer. The record office is the only place from which it could be conveniently supplied.

Question. Who is at the head of that office?

Answer. Mr. Minard. Grant was a clerk in that office—a clerk under Griswold's pay, and, of course, he may have furnished him information of that description.

Question. How long was Grant clerk there?

Answer. Several years.

Question. Through whose instrumentality was his connexion with the custom-house determined?

Answer. Upon the complaint of Mr. Griswold, showing that he had himself bribed him.

Question. Was Grant's desk in a different room from yours?

Answer. Yes, sir; in a room up stairs.

Question. Did you have any control over that room?

Answer. Yes, sir; it was under my control at that time.

Question. Did Grant have control of that room up stairs?

Answer. He was not the head clerk.

Question. Who was head clerk?

Answer. Mr. Leffingwell.

Question. Did Grant, while in that room, to your knowledge, have private drawers of papers to which he had sole access?

Answer. I think he had some papers in a private case, the key of which he gave up when he left the office.

Question. Did he have access to that case after he left the office?

Answer. I think not.

Question. Do you recollect of his ever having access to that case of private papers after he was removed?

Answer. Never alone. I think he was sent for to find some papers which could not be found, but Mr. Lewis, the clerk who took his place, was with him.

Question. Do you know what papers he kept there?

Answer. He stated that they were papers which he had got up upon orders, but which were not completed.

Question. Do you suppose it was from that case that Mr. Griswold obtained his information?

Answer. I suppose it was possible he did, but I cannot say.

Question. Did anybody but Grant have access to that private depository of papers?

Answer. I suppose not.

Question. Do you recollect at any time after Grant was removed of another clerk obtaining access to that case by another key—Grant not having surrendered his key—and of that key being taken away from him because he did so?

Answer. I have a faint recollection of something of that kind, but I do not remember what the precise circumstances were.

Question. Do you know how Grant had access to it after his removal?

Answer. He never did have access to it after his removal, but he may have been requested to show other clerks where the papers were. I do not think the chief clerk there would have allowed him to take any papers away. Had Grant done so, he would have informed against him at once.

Question. It is alleged that in certain cases some papers were wanted, and when they could not be found, another clerk produced a bunch of keys, got into that desk and found the papers, and that the key was then taken away from him.

Answer. I have some faint recollection of such a case. It is very possible the key may have been taken away so that those papers would be forthcoming in the proper time when wanted. I do not recollect the circumstances, but I know there was something of the kind.

Question. Is it customary to have a desk or drawer of papers in a room, inaccessible to only one clerk, from which he can draw what papers he pleases?

Answer. O no, sir; but if papers were in charge of one clerk I do not see any impropriety in such a thing. After Grant was removed, it was ordered that he should have no access to the room at all, or that he should not go there unless somebody was with him.

There was another case of Griswold's connected with these protests, which came up for consideration. I made objection to it, and addressed a letter, for Mr. Barney, and in his name, to the district attorney, E. Delafield Smith, upon the subject, of which the following is a copy:

CUSTOM-HOUSE, NEW YORK, COLLECTOR'S OFFICE,

August 17, 1863.

SIR: I have to request that you will oppose the entering up of judgments in the following cases, which have been referred to the clerk of the court for adjustment, viz: P. A. H. Renauld *et al. vs.* H. J. Redfield, same *vs.* same, R. A. Witthaus *et al. vs.* same, C. F. Dambmann *et al. vs.* same. The protests relied on in these cases have evidently been tampered with. Some of them are without date, and the material point is found on a slip pasted over the protest. Others have the year clipped off and the date altered from 24th August to 4th August, and from February to October. I enclose some of these protests.

Another point to which I ask your attention is that the protests, even in their present altered condition, refer only to the overcharge of $1\frac{1}{2}$ per cent. commission on goods from the continent of Europe, and not in any case to the overcharge of 1 per cent. on goods from Great Britain.

All cases claimed of the latter description should, of course, therefore be excluded.

Begging your careful attention to the above points, I am, very respectfully, your obedient servant,

HIRAM BARNEY, *Collector.*

E. DELAFIELD SMITH, Esq.,
United States Attorney.

To that letter Mr. Barney received a reply, of which the following is a copy:

OFFICE OF THE DISTRICT ATTORNEY OF THE UNITED STATES

FOR THE SOUTHERN DISTRICT OF NEW YORK,

New York, December 30, 1863.

SIR: In the suit of C. F. Dambmann *et al. vs.* Herman J. Redfield, referred to in a letter from the collector of the 17th of August, 1863, I have to report that on the adjustment thereof before Kenneth G. White, esq., clerk of the cir-

cuit court, according to the verdicts therein, I raised the following objections to the protests, which were offered by the attorneys for the plaintiffs.

First. That the protest is without date; and as no testimony was produced by the plaintiffs to fix the date when such protest was made, therefore the protest is invalid and insufficient.

Second. That the protest is composed of two distinct papers in different type, pasted together; and as no testimony was produced by the plaintiffs to prove that the protest was in such a form at the time it was signed and filed with the collector, therefore the protest is invalid and insufficient.

Third. That the protest, in respect to commissions, states as a matter of fact that the usual rate of commission in the countries from which the importations involved in the suit came is two per cent., and that this protest is therefore not valid and sufficient for the recovery of any excess of duty paid on commissions for goods imported from Great Britain, because the usual rate in that country is one and a half per cent.

Fourth. That even if the protest is not entirely void as respects commissions on goods from Great Britain, the amount to be recovered under it must be limited to duty on the excess above two per centum, which is alleged to be the usual rate in the countries from which the importations came, including Great Britain. But these objections were overruled, and the clerk held that the protests were signed and filed with the collector in their present form at the date of the entry to which the same is attached, and that the plaintiffs are entitled to recover, on goods from Great Britain, duty on the difference between one and one half per cent. and the rate on which duty was actually paid.

I excepted to such decisions and appealed therefrom to the honorable Justice Nelson, who confirmed the said report of the clerk as to all the points.

I am, sir, very respectfully, yours,

E. DELAFIELD SMITH,
United States District Attorney.

HIRAM BARNEY, Esq.,
Collector of the Port.

N. B.—In the suit of William Lottimer *et al.* vs. Herman J. Redfield the same objections were at the same time offered to the protest as in the case of Dambmann *et al.* vs. Redfield, above referred to, and with the same ruling by the clerk, and with the same decision upon appeal to Judge Nelson.

Respectfully,

E. D. S.

That shows that we have done all we could do; but the court overruled the objections.

Question. The list you have produced in evidence embraces two hundred and fourteen cases in which suits were brought to obtain a refund of duties during the fiscal year commencing July 1, 1863; what is the average cost in each one of those suits against the government?

Answer. I do not know. They would range from \$75 to \$150.

Question. Is there any necessity for bringing those suits to obtain a regular adjustment of those claims against the government?

Answer. The suits must be commenced to secure the rights of the claimants, but one case only need be tried to establish the principle to be applied to all the others.

Question. Could the other cases be determined by a decision in the one case unless suits were instituted?

Answer. Suits must be commenced.

Question. Is there a necessity that suits should be commenced?

Answer. In the first place, the collector makes his decision, against which the

importer has a right to enter a protest and appeal to the department. If the decision of the collector is affirmed by the Treasury Department, the remedy of the importer is to bring a suit within the time specified by the law. Unless he does that he is barred from any remedy, and, therefore, he must bring a suit in every case.

Question. Could not the necessity of bringing a suit be avoided by a treasury regulation devolving upon the collector the duty of adjusting all similar cases without a judicial interposition, except in one, to settle the principle?

Answer. After a decision has been made by the court, which is acquiesced in by the Treasury Department, litigation appears altogether unnecessary, and the cases might be settled by an order from the Secretary of the Treasury to the collector to redress all other cases in which the same principle is involved. That would save the costs of so many suits.

Question. Are the district attorney's fees included in the costs you have mentioned?

Answer. I presume not, they being costs taxed against the defendant, which is the government.

Question. Do you know what the district attorney's costs against the government are in defending these suits?

Answer. I believe it is thirty dollars in each case, at any rate; and much more where there is trial and argument.

Question. In adjusting these cases at the custom-house, what is the order, if any, in which they are taken up?

Answer. The rule is that they shall be taken up in the order in which they are presented, or as soon as the papers are obtained to enable the clerk to make the adjustment.

Question. Are there any deviations from that rule?

Answer. I am not aware of any.

Question. Who has the right of directing what cases shall have preference, or priority?

Answer. I should have the right to give any such order; but the only order I have given is to take them up as fast as possible, and in regular order, as soon as the papers are ready.

Question. Who gets the papers ready?

Answer. The clerk in the record office.

Question. What rule has he, if any, as to the order in which papers shall be got ready?

Answer. He should get them up in the order in which they are called for by priority.

Question. Do you know any departure from that course of late?

Answer. I know of none, unless it might be in cases specially called for by the Treasury Department.

Question. Could a clerk in the record office show any preference for any length of time in taking up cases out of their order, without being detected?

Answer. No, sir; he would be detected.

Question. Has there been any complaint of late that that thing was being done?

Answer. There have been complaints, and there always will be; but there have been no well-grounded complaints so far as I am aware.

Question. Does this man Griswold continue to bring suits for claimants, which suits find their way, in the end, to the auditor's office for adjustment?

Answer. Yes, sir, great numbers of them.

Question. Do you know or have you any reason to suspect that there is any discrimination against him in the office with reference to his cases?

Answer. No, sir; on the contrary, I think he has had more than a fair share of the time of the clerk.

Question. Does he obtain that by improper persuasives?

Answer. Not that I am aware of. I do not know that he has done so.

Question. When an order comes from the department to pay the claims in judgment, can there be any delays or preferences shown there?

Answer. No, sir.

Question. Can there be any arbitrary delays by discriminating against any one?

Answer. There might be.

Question. Have you knowledge of any such?

Answer. I am not aware of any such.

NEW YORK, *September 20, 1864.*

GEORGE W. C. CLAPP, a witness, being duly sworn, testified as follows:

By Mr. Hulburd:

Question. Are you connected with the custom-house?

Answer. Yes, sir.

Question. With what branch?

Answer. I am a messenger.

Question. To what bureau?

Answer. The auditor's department.

Question. For how long a time?

Answer. Some twenty years.

Question. What are your duties there?

Answer. I rank as messenger, and my duties are various. I take charge of the stationery, deliver messages, go to the stationer's and order goods, &c. Formerly I had a good deal to do with the entry business, but have not had for the last two years. That branch of business is done now in another room, and I am confined to the auditor's room.

Question. Formerly, if not now, did you have access to the books of that department?

Answer. Yes, sir.

Question. Do you now?

Answer. Yes, sir.

Question. Do any of your present duties require you to go to the books to examine entries for obtaining information?

Answer. No, sir.

Question. Did you formerly, or do you now, have applications outside of the custom-house, from merchants, for instance, or their agents, to obtain information to be found only in the books?

Answer. No, sir, never, as long as I have been connected with the building.

Question. Where do you obtain your knowledge of entries, if not from the books?

Answer. The entry is a paper made out by the merchant, or his broker, on which he pays the duties. But I do not have access to such papers now.

Question. How long since you ceased to have access to that class of papers?

Answer. About three years—since the removal from the old custom-house.

Question. When you did have access to them, were you not applied to by lawyers and merchants for a sight of those entries?

Answer. No, sir; because that business did not belong to me, and they had no right to see the papers, in my estimation. Hence nobody ever applied to me. If any one did apply to me I would not grant the request. Sometimes a broker might say, "I would like to see such an entry;" but I would say, "You cannot see it."

Question. Was that an arbitrary rule, applicable to all brokers?

Answer. It should be carried out.

Question. Was it?

Answer. I cannot say.

Question. Is it now?

Answer. I cannot say.

Question. Did you know Mr. Cummings, a clerk in that department?

Answer. Yes, sir.

Question. Do you know of his ever furnishing this information?

Answer. No, sir.

Question. You have no knowledge of brokers, claim agents, lawyers, or merchants having access to those entries to obtain information from them?

Answer. No, sir.

Question. Did you ever receive any presents from outside the office?

Answer. No, sir.

Question. Or from any one inside the auditor's office?

Answer. No, sir.

Question. Did you ever receive any money as a present?

Answer. No, sir.

Question. What is your salary?

Answer. \$800 a year.

Question. Are you ever applied to for copies of papers in the office?

Answer. No, sir.

Question. Did you ever supply any?

Answer. No, sir. That is one thing I could not do if I was applied to, for I am not a very good scholar.

Question. Have you any knowledge that any one furnished outsiders with copies of such papers?

Answer. No, sir.

By Mr. Rollins:

Question. I understood you to say you had been applied to for information with reference to these entries at various times while you had access to the papers. Who applied to you?

Answer. I do not remember stating that I had any applications.

Question. What brokers applied to you?

Answer. I cannot say, as it was a great while ago.

Question. Do you mean to say that within the last ten years no applications have been made to you for information of this kind?

Answer. I cannot tell who has made an application within that time, ten years; but there has been an application made, I presume, but I cannot tell to whom or from whom.

Question. You say none has been made to you?

Answer. None that I have granted.

Question. I ask if any application has been made to you?

Answer. No, sir.

Question. What did you mean, then, by saying none that has been granted?

Answer. Probably in the course of ten years a merchant or broker might say to me—as I am universally known—“George, I would like to see an entry.” I would ask what he wanted to see it for. He would tell, and I would inform him that it was none of my business, and he could not see it. Hence I would not give him the information, or would not know the information he would ask.

Question. Could you not indirectly have allowed him to obtain the information?

Answer. No, sir.

Question. Then you swear positively that there has been no application made to you for information, and of course that you have not parted with information, directly or indirectly?

Answer. Yes, sir.

Question. You have not allowed anybody indirectly to obtain information?

Answer. I have not.

Question. Suppose we should confront you with witnesses who swear they obtained information from you?

Answer. I swear now from my positive information and belief.

Question. What would you say?

Answer. I should discredit what he said.

Question. How is information obtained, and who communicates it to the merchants, or claim agents, or brokers, with reference to the entries, protests, &c?

Answer. I cannot furnish you with any information further than I have stated.

Question. Did you ever hear of anything of the kind?

Answer. I hear such things.

Question. Who did you ever hear say anything about it?

Answer. I cannot say.

Question. Still you have heard it?

Answer. It is every-day talk.

Question. And yet you say you cannot tell whom you heard it from?

Answer. I cannot.

Question. Who does rumor say furnished this information?

Answer. I cannot tell you.

Question. You say rumors are floating about, and now I ask you upon whom does rumor fasten as furnishing it?

Answer. Under my solemn oath I cannot tell.

Question. What rumors have you heard?

Answer. I have heard rumors on political and war questions.

Question. I ask you about rumors connected with the auditor's office. Tell us one rumor.

Question. It is rumored that some broker has given twenty-five cents or fifty cents or a dollar or five dollars to a clerk in some part of the house to get an entry to take down stairs, or wherever it was to go, to get a check on it in order to get his permit, or, as the case might be, to get his entry through.

Question. What is the broker's name?

Answer. I cannot tell you.

Question. What is the clerk's name?

Answer. I cannot tell you. This is only a rumor.

Question. And you cannot mention any name?

Answer. No, sir; rumor is a rumor.

Question. And no name was mentioned?

Answer. None.

Question. When did you hear a rumor of that kind?

Answer. Some five years ago.

Question. Never since?

Answer. No, sir.

Question. Did you not swear that these rumors were an every-day occurrence?

Answer. Yes, sir.

Question. And now you swear you have not heard a rumor in five years?

Answer. Not the rumor I related.

Question. You understand that brokers and merchants want to get certain information. Now, how do they get it?

Answer. I cannot tell you.

Question. You mean you won't tell?

Answer. No, sir, I do not.

Question. How old are you?

Answer. Forty-three in October last.

Question. How long have you been connected with the custom-house?

Answer. Twenty-three years.

Question. How large a family have you?

Answer. Seven children.

Question. Where do you live?

Answer. At the corner of Forty-third street and Eighth avenue.

Question. What is your salary?

Answer. Eight hundred dollars a year.

Question. Do you ever borrow any money?

Answer. Yes, sir, sometimes.

Question. Of whom?

Answer. Of some of the clerks. I have borrowed five dollars of Mr. Robinson, and have borrowed money of Mr. Rowen.

Question. Have you borrowed any of merchants in the city?

Answer. No, sir.

Question. Have you borrowed any of any lawyer or claim agent?

Answer. Never.

Question. Do you know any brokers?

Answer. Yes, sir.

Question. Who?

Answer. Washington & Culver.

Question. Did you ever borrow any money of them?

Answer. I borrowed of Mr. Culver last month, and have not paid it yet.

Question. Is that all you ever borrowed of him?

Answer. Yes, sir.

Question. Of what other claim agent or broker have you borrowed money?

Answer. I know Mulholland and Hecox.

Question. Did you ever borrow any money of them?

Answer. No, sir.

Question. Have you ever received any presents from them?

Answer. No, sir.

Question. What other brokers do you know?

Answer. Gray & Garvin.

Question. Did you ever borrow of them?

Answer. No, sir.

Question. Do you know Douglas?

Answer. Yes, sir.

Question. Does he do business at your office?

Answer. I believe he does.

Question. Does he do a large business?

Answer. I do not know.

Question. How long have you known him?

Answer. Four or five years.

Question. How much money have you borrowed of him?

Answer. None.

Question. Have you ever received any presents from him?

Answer. No, sir.

Question. When did you see Douglas last?

Answer. Last June.

Question. Where did you see him?

Answer. At his office.

Question. What did you go to his office for?

Answer. A message was sent to his office.

Question. Did you have any conversation with him?

Answer. No, sir.

Question. Did you ever see him in the auditor's office?

Answer. No, sir.

Question. Who is Robinson, of whom you spoke?

Answer. A clerk in the office.

Question. Who is Rowen?

Answer. A clerk also.

Question. You have repeatedly borrowed money of those men?

Answer. Yes, sir.

Question. Have you paid it back?

Answer. No, sir, not all of it. I borrowed of Rowen, and he holds my note for it now. I have not the means of paying it yet.

Question. What are the duties of these two clerks?

Answer. Robinson attends to the cotton business. I do not know what Rowen's duties legitimately are.

Question. Is that all the money you have borrowed during the last five years?

Answer. Yes, sir.

Question. You could have given brokers and merchants valuable information, could you not?

Answer. Probably so, so far as they are concerned; but I would not have known what value it would have been to them.

Question. What did you say to them when they applied to you?

Answer. I told them it was not my business to give them any information, and that they must ask other persons.

Question. Were these applications frequently made?

Answer. No, sir.

Question. Who applied to you?

Answer. I cannot tell.

Question. Did they get the information elsewhere?

Answer. I cannot tell.

Question. You have heard it rumored that this information was obtained in some way?

Answer. I cannot answer that; I do not recollect.

Question. Did you not say a while ago that you had heard these rumors?

Answer. No further than I have related.

Question. You have not been so fortunate as some of the clerks in getting money, have you?

Answer. No, sir; perhaps if I had been I should be better off.

Question. Some of them are pretty lucky, then, are they not?

Answer. I presume so, but I do not know.

Question. Why did you, then, make the remark you did if you do not know?

Answer. From my own suspicions, and not because I know the fact at all.

Question. What are your suspicions as to whether or not they do receive presents?

Answer. Nothing more than I have stated.

Question. Is there a Mr. Hallock clerk in the auditor's office?

Answer. Not that I know of. There was a Mr. Hallock there, but he was taken sick, and I believe he is dead.

Question. Do you recollect where he boarded a year ago last winter?

Answer. No, sir.

Question. Did you ever carry any entries to the Bancroft House, to Mr. Hallock?

Answer. No, sir.

Question. Did you ever bring any away from there?

Answer. No, sir.

Question. Did you ever carry any there to anybody?

Answer. No, sir.

Question. Did you ever bring any papers away from the Bancroft House?

Answer. No, sir.

Question. Were you ever at the Bancroft House?

Answer. No, sir; I cannot remember that I was.

Question. Do you know where the Bancroft House is?

Answer. No, sir.

Question. Were you ever sent to the Bancroft House by the auditor or anybody else with any messages or papers?

Answer. Never.

Question. You are positive of that?

Answer. Yes, sir.

Question. And you never brought any papers of any kind away from there?

Answer. No, sir.

Question. And you never went there in your life?

Answer. No, sir.

Question. Did you ever take any papers to Hallock at any time?

Answer. No, sir.

Question. Did you ever take papers or entries from the auditor's office to the officers of the auditor's office when they were out at private residences?

Answer. No, sir.

NEW YORK, *October 20, 1864.*

ROBERT GRANT, a witness, being duly sworn, testified as follows:

By Mr. Hulburd:

Question. Where do you reside?

Answer. In New York city.

Question. How long have you resided here?

Answer. All my life.

Question. Were you formerly connected with the custom-house?

Answer. Yes, sir.

Question. In what capacity?

Answer. As clerk in the record office of the auditor's department, and under his control.

Question. When did you enter that office?

Answer. In March, 1854.

Question. When did your connexion with it cease?

Answer. In October, 1862.

Question. Did you continue in that office all that time?

Answer. When I first went into the building I went into the bonded warehouse for twenty days. All the rest of the time I was in the record office.

Question. Did you have charge of the entry papers there?

Answer. Yes, sir; papers came to our office from nearly all parts of the building. The entries probably reached our office in about a year after they were deposited there by the merchants.

Question. Were the record office and all its clerks under the control of the auditor?

Answer. Yes, sir; the office is divided into divisions.

Question. What has the auditor to do with the refunding of duties, and the payment of judgments for duties overpaid?

Answer. I do not know. He has little or nothing to do with it beyond issuing orders. At any rate, he did not when I was there; but I do not know what changes have taken place since I left.

Question. Do you know Morgan L. Ogden?

Answer. I have seen him, but never had any acquaintance with him.

Question. Do you know who he is?

Answer. Yes, sir.

Question. What has been and what is now his business ?

Answer. I do not know. I never knew much about him.

Question. Do you know whether he was connected with persons who were prosecuting claims for a return of duties ?

Answer. No, sir.

Question. Do parties, having claims against the government for payment of excess of duties, have to go to that office for information ?

Answer. The way that matter was managed was this : we get a list of the entries of any particular house here, and on that we get up the papers in the case.

Question. From whom did you get those lists ?

Answer. Sometimes the refunding clerk would bring them to me. That statement had to be checked by Mr. Ogden, the auditor, before I would get up the papers at all.

Question. Who directed you as to the order in which these claims should be taken, and was there any preference shown ?

Answer. No preference was shown by me, or to my knowledge.

Question. Suppose there were a dozen different claimants' papers came up to your office ; what I want to know is, the order in which they were taken up.

Answer. As they came to me, so I took them up, in that exact order.

Question. Was there any variation from that ?

Answer. That is the way I always did.

Question. Did counsel for claimants have access to the papers in your office to examine them as they chose ?

Answer. No, sir, except in the rare instance of a suit between two merchants, to which the government was not a party. In that case they would go to the collector and get a permit to examine certain papers. That is one instance in which that thing was done.

Question. Are you confident about that point ?

Answer. I am confident they did not have access to the papers, to my knowledge.

Question. Did you have a private desk, of which you had the sole control, where papers of a certain character were kept ?

Answer. I had a closet at the back of my desk.

Question. What papers were kept there ?

Answer. The regular papers got up by me on those orders.

Question. Why were they kept in that place ?

Answer. For the reason that I wanted to keep them together until completed. A list of papers to be got up would come to me, and sometimes I would have as many as twenty or thirty, and I would go on completing them as fast as I could, and while I was getting up the papers in one case I would find papers in another, and I would put them in that closet. That was the only reason I put them there. They were papers in cases completed in part ; all of which Barney knew at the time.

Question. What was your salary ?

Answer. \$1,000 a year.

Question. Did you receive any other compensation in connexion with your duties there ?

Answer. I used to receive a little, but it was for working until nine, eleven, or twelve o'clock at night, which Mr. Barney knew, for I was reported by the night watchman, I suppose.

Question. What did you receive in a year in the way of this extra and outside compensation ?

Answer. I received a present now and then, at the option of the parties.

Question. From what parties did you receive presents ?

Answer. I never received any except from one person.

Question. Who was he ?

Answer. Almon W. Griswold.

Question. What services did you render him for which he paid this compensation?

Answer. For working from three o'clock, as I said before, until nine, eleven, or twelve o'clock at night, in getting up cases for which I had orders.

Question. What did that extra compensation amount to a year?

Answer. I have no idea at all.

Question. You speak of working extra hours in getting up papers for him; in addition to that, were there other privileges which he enjoyed?

Answer. No, sir.

Question. Was he allowed access to papers for inspection and examination?

Answer. No, sir.

Question. Had you any reason to suppose that his cases were advanced or kept back, for any reason, by the auditor or anybody else in connexion with the custom-house?

Answer. No, sir; nothing of that kind was done to my knowledge. He was all the time finding fault that his cases were not got up quicker, and therefore I stayed there nights, perhaps five nights in a week, working upon them.

Question. Were you dismissed from the office?

Answer. Yes, sir.

Question. For what?

Answer. Upon charges preferred against me by Griswold himself.

Question. What were they?

Answer. That I received compensation for services performed for him after office hours.

Question. If you rendered those services for him, why should he have complained of you?

Answer. I cannot say. I used to borrow money of him and return it, and he may turn round and show a check of mine, but he will not say whether that was borrowed money, or money he presented me with.

Question. But if Collector Barney knew you were working extra hours, and receiving pay for it, how could that become a cause of complaint and dismissal?

Answer. Barney says it was in violation of a treasury circular, and he wanted me to resign. He said I was about the last man in the building he wanted to remove. I told him I would not resign, that I did not think I ought to, as that would be an admission on my part that there was something wrong in what I had been doing, and I considered what I had done as right. I had worked there until late hours at night, and I did not consider it any harm to receive presents for that extra labor. Mr. Griswold afterwards preferred a charge against me of receiving money from him for services performed.

Question. What was the inducing cause of preferring that charge?

Answer. I suppose it was because he could not use me.

Question. Did you refuse any application of his?

Answer. No, sir, not exactly; but I suppose he had learned enough of me to know that he could not use me at all; that I would go on in my business in the usual and legitimate way, and that beyond that he could not use me.

Question. How did he want to use you?

Answer. That I cannot say; it was always a mystery to me why he should want me turned out. After the charge was first made, it rested three or five months and I heard nothing of it. I heard from William A. Butler that such a charge had been preferred by somebody. One afternoon Barney sent for me to come down after four o'clock. I went down and Barney said a charge had been preferred against me. I asked him by whom, and he told me. I asked him what the charge was, and he told me it was for receiving compensation other than my salary. At that interview with Barney at his office he said, "You see, Mr. Grant, where I stand with reference to this matter; you have warm friends, and friends who are my friends, and I would rather this thing had fallen upon

somebody else than you; but you see if I overlook this matter they will make trouble with me, and you do not want me to get into trouble." He then asked me if I would not resign. I told him I did not like to resign, as it would seem like an admission upon my part that something was wrong. Says he, "For my sake you will not object to considering yourself under suspension from pay duty." I told him certainly not if he desired it, but I asked him if he could not drop out the pay clause, as I had something of a family to look after. He said he did not see how he could, "but," said he, "let it go so, and if there is any way under heaven of getting over this matter it will give nobody greater satisfaction than me." I then said, "The papers I have up stairs in my desk embrace my own private papers, and these other papers in the closet are a lot of papers I have been getting up; what disposition shall be made of them?" Said he, "Let the whole matter rest as it is." Ogden was present at the interview. Barney said that nobody was to have access to those papers but Ogden and himself, and he gave Mr. Ogden orders to that effect. A majority of those papers which had been got up were papers in Mr. Griswold's cases. There the matter rested. This was in May. The matter ran along, and one day I received a note from somebody at the collector's office—I forget who—stating that there were some papers wanted which they believed were in my closet in the office. I was still under suspension, with a fair prospect of being reinstated. I went down to the office to see what they wanted. They stated what it was, and I went up stairs into the office to get the papers, but upon putting the key which belonged to the closet into the lock I found I could not unlock it; that the original key I had would not fit the lock; that the lock had been picked and another key put to it. I thought it funny, as the collector had said that closet should not be disturbed except by Ogden, himself, and myself. I inquired if any one had been meddling with the lock. Upon that Mr. Leffingwell spoke up, and said he had meddled with it. I inquired by whose authority. He said by his own. I told him I had distinctly stated when I went away that Barney said those papers of mine should not be disturbed until orders came from him, or until I was removed. He replied that a man had been brought up there a few days before and examined for my place. I told him I was still a clerk in that department, and only under suspension. He was a little bit huffy about it, and he gave me a key which he had had fitted to the lock. So it seemed he had had access to that closet while I was away.

I got out the papers that the collector wanted, and then went down to the collector myself and reported to him that this closet had been opened by a key fitted to it by Mr. Leffingwell. He immediately sent for Ogden, and wanted to know by what authority Leffingwell had opened the closet or fitted a key to it. Ogden said he did not know. He told Ogden to go to Leffingwell and take all the keys that fitted that closet away from him, and give orders to him not to touch any papers in that office under my control. Mr. Ogden went up and took the keys from Leffingwell, and the papers remained as they were until the day I was removed, with the exception of this bundle which I took out for the collector—that is so far as my knowledge goes.

On the first of October Barney removed me. He sent for me several times and wanted me to resign. I told him I did not think I ought to resign. I did not resign, and so he removed me. This was about a year after the charge was first preferred. As soon as I was removed I gave up the key. The contents of my desk were principally my own private papers. I went down afterwards and gave all the information I possibly could to the new clerks in the office, and then left. I think that was the last time I was there.

Question. Was there any preference or discrimination against Mr. Griswold in the auditor's office, to your knowledge?

Answer. No, sir, except when they thought there was something wrong.

Question. I understood you to say that the auditor asked you if Mr. Griswold's cases could not be hurried along?

Answer. Mr. Griswold would make out a list of cases and give the collector, the collector would send them to Mr. Ogden, and Mr. Ogden would send to me, and urge me to get along with them in order to get rid of the annoyance to the collector. That was the means Griswold used for pushing his cases ahead. Often the collector would send up for papers in seizure cases in a great hurry, and I would have to drop all other matters and get them up.

Question. Did you have reason to suppose there was anything wrong about any of Griswold's cases?

Answer. I did once in the case of Boorman, Johnston & Co. On one occasion I testified that there were protests on entries there which were not protested at the time I took them out of the files.

Question. Who had possession of the entries intermediate those times?

Answer. They were in the hands of the refunding clerk.

Question. Who was he?

Answer. Mr. Hallock.

Question. How could there be any protests put on them while in his hands?

Answer. The refunding clerk, if I am not mistaken, had the papers on his desk, and that is where this man Griswold and all others interested in claims principally went to see about them. After I had got the papers up complete I delivered them to the refunding clerk. The only way Griswold could get at those papers would be to go there and look at them, and the only way he could get them would be to carry them off. But that is only supposition upon my part. If I am not mistaken, Barney at that time was so well satisfied that there was something wrong about those papers that he took some of them to Washington and showed them to the Secretary of the Treasury. What further transpired I do not know.

Question. Have you any knowledge as to who put on those protests?

Answer. I cannot swear who put them on, or where they were put on. It can easily be seen who had the strongest motive for putting them on. I do not consider that such merchants as Boorman, Johnston & Co. would be guilty of such a thing.

Question. Do you know what compensation these claim agents usually get?

Answer. I have heard that they get one-third—sometimes less.

Question. Did you ever know of any other case like the one you have mentioned, or have reason to believe there were other such cases?

Answer. No, sir.

Question. Did you ever have reason to believe there were other such claims in which Griswold was the counsel?

Answer. Yes, sir; I believe there was another case which Barney knew of at the time—the case of Choteau, Sandford & Co. In that case, I think, the papers had been tampered with, mutilated, and protests added.

Question. Do you know what was the final disposition of the suits on the claims of Boorman, Johnston & Co. and Choteau, Sandford & Co.?

Answer. Griswold got all the claims.

Question. Do you know the amount?

Answer. I do not. This was shortly after I was removed.

NEW YORK, *October 21, 1864.*

EDMOND M. EVANS, a witness, being duly sworn, testified as follows:

By Mr. Hulburd:

Question. Are you connected with the custom-house?

Answer. Yes, sir.

Question. In what capacity?

Answer. As chief clerk of the liquidating department.

Question. How long have you been there?

Answer. Since October, 1859.

Question. Were you connected with the custom-house previously?

Answer. No, sir.

Question. Were you a resident of this city previously?

Answer. No, sir. I was here for a while, but not for some years previously.

Question. State what the duties of your office are.

Answer. My duties are the general supervision of the business department.

Question. What is the business department?

Answer. The liquidation of entries; the examination of the papers of vessels; the putting them in order, and making lists of the duties.

Question. What are the committee to understand by the term "liquidation of entries?"

Answer. It means an examination of the entries, a comparison with the invoices, and an ascertainment and liquidation of the duties upon the appraiser's report as to the character and rate of duty to which the goods are subject.

Question. Really, then, you ascertain if the correct duty is imposed; and if not, you make the correction?

Answer. Yes, sir.

Question. What becomes of the papers on which this revision and correction is made?

Answer. They are retained in our department usually eleven or twelve months after the vessels arrive. We keep them now, and have for a year past, to the extent of twelve months back; they are then sent from our department to the record office.

Question. Are those papers used as the foundation of claims against the government?

Answer. In the adjustment of claims the papers have to be referred to.

Question. Do outside parties or their counsel have access to those papers?

Answer. The practice of the office is to allow merchants and importers coming there to look at the papers.

Question. When you speak of merchants, do you include agents or counsel?

Answer. Yes, sir; the representative of the merchant would, by his desire, be allowed to look at them.

Question. Under that state of facts do not claim lawyers get access to and inspect papers of that kind, and obtain knowledge which they use to bring suits?

Answer. There is no general getting up of papers. If a merchant or a person known to represent him should come there and inquire about an entry by a certain vessel he would be allowed to look at the papers.

Question. To your knowledge or belief, are parties, or their agents or counsel, allowed to withdraw those papers from the office?

Answer. No, sir; not in any case. The practice of the office has been and is, that no paper shall go out of the office except by the hands of a messenger or clerk in the employ of the custom-house.

NEW YORK, *October 22, 1864.*

ETHAN ALLEN, a witness, being duly sworn, testified as follows:

By Mr. Hulburd:

Question. Are you assistant United States district attorney?

Answer. Yes, sir; first assistant.

Question. Do you have charge of the custom-house matters and seizure cases in the district attorney's office?

Answer. I had charge of all custom-house business up to the time of Mr.

Draper's appointment. When he came into office I found the business more than I could attend to, and we made a new arrangement with Mr. Andrews, second assistant, to take off from my hands the seizure cases until I could again assume them.

Question. The testimony before the committee is, that numerous suits are commenced for drawbacks—for excess of duty paid. The committee would like a statement of the manner in which the defences to those suits are conducted.

Answer. That is a question which involves a very long statement. These suits, known as collector's cases, being suits brought against the collector to recover duties paid under protest, are very numerous. I presume there are, on an average, five hundred brought a year. Probably there are between four and five hundred determined a year. The amount involved in these will vary in any amount from \$500,000 to \$2,000,000. The suit and the questions involved in the suit are usually very simple. The issue is simply one between the collector and the importer as to the amount of duty the collector should exact. The importer pays under protest, and under the law of 1857 he files a protest stating distinctly what he objects to. Every department of trade, of course, one importer following the other, makes the same protest, and probably five hundred merchants in the city of New York are protesting against the same thing, and five hundred suits are brought involving the same question. Now, when that comes to trial, we take one of those cases in court; it is tried before the court and jury; witnesses examined, and the case gone into in detail until the result is attained. When that is decided, the course of business is to report that trial to the collector in the report of the district attorney, which, in most cases, I prepare. We state, in detail, the principle that has been decided; for instance, that John Jones brought a suit against the collector for the recovery of drawbacks upon such and such an importation; that he claimed the drawback under such and such a statute; that it was proven on his part so and so; and that the district attorney brought forward satisfactory proof, and that the jury acquiesced. That report goes to the collector that he may be instructed how the principle is decided. Now the ninety-nine other suitors immediately come into court, or, perhaps, are already in court, and, the principle having been decided, say that they desire a verdict. As a matter of course, we go into court and acquiesce in their taking verdicts. Whether we acquiesced or not, the judge would grant them. It is a matter of necessity as well as a matter of right in us to give those verdicts. When the ninety-nine verdicts are now taken, we report them also to the collector, saying that verdicts were given on such and such a day, the principle involved being precisely the same as that involved in the first suit in which a trial was had. Now the collector has one hundred verdicts; one has been elaborately tried, of which a report in full has been sent to him, and, as a matter of course, it is conceded that they are all disposed of.

Well, now comes up the question of the statute of limitations. It is understood that in all cases we plead the statute of limitations. That is the common understanding of the office. I will mention that when we go into court and give a verdict by consent in the ninety-nine cases, the verdict is written out and the consent attached to it. In writing out that verdict, it is stated that it is for duties paid under protest on an importation of merchandise so and so, after suit brought to recover under such and such a law, so that when you look at a verdict you can easily see that it is upon an issue which was settled in such a trial. When I first took these cases, I always stipulated that the verdict is rendered for sums paid under protest, for such and such reasons, for all sums except such as were barred by the statute of limitations. I think for the first three years of our office you will find that stipulation in all our verdicts; gradually other questions arose in regard to the prospective protests, and inas-

much as the examination of all these questions in detail was a physical impossibility, I always reserved that question also.

Judge Nelson one morning said he would not have these reservations any longer in the verdict; that the verdict must cover the simple issue on trial. We then left out of the verdict this reservation with respect to the statute of limitations. But, at the same time, with every attorney who has a suit in our office—with every one of them—it is conceded and understood that if any item is barred by the statute of limitations we can open the verdict at any time. That understanding exists with every attorney who brings a suit in our office except Mr. Griswold. We attempted to open one of his suits in which the statute of limitations had run. It was argued three days, I think, before Judge Nelson. After elaborate argument the judge refused to open the verdict in order that the statute of limitations might be pleaded. This was the reason: It appeared on the argument that, though the statute of limitations had absolutely run against these cases which the government refused to pay, and which we sought to open that the statute might be pleaded, yet the plaintiff had a stipulation from Secretary Cobb that if he should try one suit involving this principle and should not bring the other numerous suits involving the same principle, to save expense of litigation, the statute should not be pleaded. That stipulation he presented to the court as a contract entered into between himself and the Secretary of the Treasury, stating that some years ago he did bring the one suit; that it was a long time in being determined; that before he got ready to bring the other numerous suits the statute had run, and that the reason why he did not bring them was the existence of that stipulation. The judge held that the department was bound by that stipulation, and, as it was given in good faith, he would not allow the statute to be pleaded against Mr. Griswold. That covered only a certain class of cases.

Now, there are other cases against which the statute probably had run which are not covered by any such stipulations. The question arose, if we do not reserve it in the verdict, what protection has the government? All these verdicts are paid, notwithstanding judgment is entered up, by the option of the Secretary of the Treasury. He can pay them or not, as he sees fit. If he refuses to pay them, the collector is not responsible, because under the law of March 3, 1863, he is exempted from execution. Then it is optional with the Secretary of the Treasury, when the verdict comes to him, whether he will pay it or not. I have requested the auditors at the custom-house, whenever they find that the statute has run against a claim, to throw it out—to refuse to adjust it. The plaintiff is perfectly helpless; he must come to us, and if he wants the matter adjusted, he must consent to have the items against which the statute has run stricken out. In probably not more than half a dozen instances have they at the custom-house reported that the statute had run, and we replied that if they would send us the ordinary affidavit upon which to make the motion we would apply to have the case opened. They did not send the affidavits, but I understood they found that the cases they particularized were precisely such as that covered by the stipulation to which I have before referred. But in all cases, as I understand the practice there, where the statute has run, they do not make the adjustment; or if they do, it is because they are aware of this stipulation, and know it is useless to apply to the court.

Now, with a view to criticise that course upon our part, you might ask: "Is it not better in all cases for you to examine those cases to see if the statute of limitation applies?" It is perfectly impossible for the district attorney to do that, and the only practical check is in the custom-house, unless Judge Nelson will permit us to reserve it in the verdict. For instance, a suit is brought to recover duties paid under protest, and a bill of particulars is filed, containing probably a thousand items; that is, importations by a hundred different vessels. To get at the particulars involved in reference to the application of the statute,

unless you take their word for it, you have got to go to the custom-house, and in each particular item get up all the papers, which would require the force of the whole department. To enable us to go over that labor would require a department equal to the auditing department of the custom-house. It is perfectly impossible for us to examine all those papers, because we have not force sufficient to do it, and it is clerical work.

And again, I say it is not necessary, for the reason that the verdict is rendered, judgment entered, and a report sent to the collector, who knows the principles decided, as I have stated, and he is instructed if anything is barred by the statute of limitation to throw it out. The clerk of the court goes over that entire labor; and there is a second check, because it is understood that in that adjustment the district attorney is before him in every one of them, for whenever a question arises as to the running of the statute of limitations he sends for the district attorney, and after he has gone over and computed the entire judgment, it goes to the court for the sanction of the court. During all that time we are supposed to be before the court.

Now, if it is asked, "Is that the old course of practice?" I reply it is not. When we came into office we found that this business had been so loosely conducted that not even a record of it was kept there. It took six months before I could ascertain what suits were existing against the collector. We spoke to the former district attorney, and he said it had been so before his time. The clerks in the office when we came there said that had been the course of business so far back as they could remember. We asked how they explained it; was it neglect? They said no; the two preceding district attorneys thought the matter was in the hands of the collector, and that any other course was unnecessary, as the reports went to the collector and the auditor's office to see whether the principle involved in the verdict was right or not.

When Smith came into office he said he would reform that looseness in business, and he immediately opened a record in which every suit that is pending, or that is brought against the collector, is entered, and in which every motion made and step taken is recorded, so that in any particular suit you can name, we can put our finger on the record and tell the precise condition of it, when brought, when tried, when reported, &c. And here let me say they are reported to the Solicitor of the Treasury as well as to the collector.

Such being the course of practice with us, and knowing the question had arisen here, I thought the whole thing over, and I do not even now, in my own mind, perceive any way in which the matter could be altered for the better.

Question. Do you know Almon W. Griswold?

Answer. Yes, sir.

Question. Who is he?

Answer. I know him as a lawyer in our business relations.

Question. Is not he particularly designated as a claim lawyer?

Answer. He is known as a lawyer in collector's cases.

Question. Have you defended suits brought by him against collectors for duties claimed to have been illegally exacted?

Answer. Of course; many of them.

Question. After trial and verdict for the plaintiff, how is the amount for which the plaintiff is entitled to judgment ascertained?

Answer. By adjustment. And here let me say that for the first two years of our term of office that adjustment was with the collector. Mr. Griswold one morning came into court before Judge Nelson with a motion, moving the court that the list of verdicts which he held in his hand, and which had been referred to the collector as to the amount of the verdict, should be referred to the clerk of the court. Of course we opposed it with all the power we could. Mr. Griswold, in stating his reasons why they should be so referred, said that many of those verdicts had been lying with the collector more than a year; that he

had refused to adjust them, and he charged that they were delayed there upon personal grounds.

Question. Were those verdicts promptly adjusted at the custom-house in all cases; if not, what discrimination was made?

Answer. He claimed that they would not adjust his, but would adjust others. Whether that was so or not I cannot say. He said in court that those suits were not adjusted by the collector; that he had had ample time to adjust them, and that he could not get the amount. Judge Nelson fired up immediately, and said he would not submit to such treatment from the hands of any official, and that he would not refer another case to the collector. And without further argument, he ordered the whole thing to be referred to the clerk of the court, and directed that thereafter the clerk should adjust them all. The clerk has done so since, and at considerable expense too—some thirty dollars or more a suit, which, to the clerk of the court, is a very handsome fee.

Question. Who is the clerk of the court?

Answer. Kenneth G. White.

Question. Is he a relative of Judge Nelson?

Answer. He married the judge's daughter.

Question. You stated that the number of these revenue cases was four or five hundred a year?

Answer. It may be as high as a thousand this year, but I think it fair to say they will average five hundred a year.

Question. Does the committee understand you to say that all these cases are referred to the clerk by the order of Judge Nelson?

Answer. They are all referred for computation to the clerk of the court, except a very few, so few as not to be worth mentioning, and in which the lawyer has the amount already computed.

Question. The clerk's costs, you say, will average at least thirty or forty dollars a suit?

Answer. Yes, sir.

Question. Has the clerk of the court, under any conceivable circumstances, the same facilities for adjusting those cases that the collector has?

Answer. As the clerk has to obtain his papers from the collector, I should think the first custodian, the collector, had the greater facilities for adjusting them.

Question. Properly and naturally, the adjustment would take place at the custom-house?

Answer. Inasmuch as the principle involved is reported to the collector, the verdict taken reported to him, and he being the custodian of the papers necessary to make the adjustment, I should say he was the natural party to do the clerical work.

Question. What objection, if any, is there, commercially, officially, or departmentally, to the collector's making that adjustment?

Answer. The only objection I ever heard was that urged in court by Griswold, as before stated—that the collector neglected to adjust them.

Question. To your knowledge has there ever been a similar objection made by any other claim lawyer?

Answer. No, sir; never.

Question. Then the committee understand that upon the sole petition or suggestion of Griswold an order was peremptorily made that the clerk should adjust these cases?

Answer. Yes, sir.

Question. Have obstacles or impediments been interposed by any official at the custom-house—and if so, by whom—to the adjustment of cases referred to the clerk of the court; and if so, in what cases?

Answer. That I cannot answer. The clerk of the court could answer it, be-

cause, the cases being referred to him for adjustment, he calls for the papers, and he knows whether he gets them or not.

Question. Do you remember at what time the trouble commenced in the custom-house with Griswold's cases, with what cases, and what objection there is to the payment of those cases?

Answer. The trouble commenced with my first acquaintance with Mr. Griswold. I never knew him to be out of trouble with his cases. Why they are not paid is a question which must be answered by the department in Washington. He told me he could not get them paid because he would not hire Mr. Ogden's brother.

Question. Have these obstacles, set up by the auditor, been confined to Mr. Griswold's cases?

Answer. I cannot answer; but I presume they have, judging wholly from the fact that it is only with reference to Mr. Griswold's cases that complaint has been made.

Question. Did Mr. Ogden, the auditor, want you to have Mr. Griswold indicted; if so, did you examine into the charge, and what did you find?

Answer. I recollect there were some charges brought against Mr. Griswold respecting prospective protests. It was alleged that he had filed them in the office surreptitiously. I do not recollect that we were asked to indict him, though that may have been the case. I do recollect that we examined the matter; but being unable to find the proof to fasten the charge upon Mr. Griswold clearly, no proceedings were taken of a criminal nature.

Question. Have you successfully defended suits brought by Mr. Griswold?

Answer. Yes, sir; but I do not know that it was more so in his cases than in others.

Question. Has the question of prospective protest also been mooted; and if so, when and where decided?

Answer. The question of prospective protest was raised by request of the collector in Mr. Griswold's cases.

Question. When?

Answer. A year or eighteen months ago.

Question. Has there been a decision of the question?

Answer. It was argued before Judge Nelson by Mr. Smith, the district attorney, for the government, and Judge Nelson decided in favor of the plaintiff, that the prospective protests, then under consideration, were sufficiently clear and explicit to cover the suit to which they were applied.

Question. Has Kunkle, the deputy collector, made any, and what, representations in reference to such cases, and did he manifest a disposition to impede certain cases more than others; if so, what cases?

Answer. No, sir; he has never manifested any such disposition to me. Mr. Runkle reported one or two cases of Mr. Griswold to be opened, in order to plead the statute of limitation, and I told him if he would send me the ordinary affidavit that the statute had run, we would make the motion.

Question. After the question in reference to the statute of limitations had been determined and settled by the court, was the district attorney, or you, directed to make a motion to open cases in order to plead it?

Answer. Yes; in reference to the cases argued before Judge Nelson, and in which the stipulation of the Secretary of the Treasury was introduced, as heretofore stated by me.

Question. In all of Mr. Griswold's cases, where the amount has exceeded two thousand dollars, has it not been the practice for the Solicitor of the Treasury to write to the district attorney to inquire if they could not be appealed to the Supreme Court of the United States, and instructing him to do so if it could be done, while other cases, involving the same principle precisely, were paid without any such delay, and without any inquiry being made?

Answer. In some of Mr. Griswold's cases the Solicitor of the Treasury has inquired if they could not be appealed. I am not able to say that he has done so, because they were Mr. Griswold's cases. And I also think he has made the same inquiry, in some instances, in the cases of others.

Question. What do you know or understand to be the difficulties existing between A. W. Griswold and the collector's office?

Answer. Mr. Griswold at one time, and within ten years, monopolized or controlled nearly all of this class of cases. I have understood that the way in which he got control of these cases was through a Mr. Douglas, a gentleman whom I never saw and do not know. This Mr. Douglas, by some familiarity or interest in the custom-house which I cannot explain, I have understood has had access to the protests and the means of information as to questions which might arise in these suits. Availing himself of this information, and obtaining an early knowledge of the names of importers, it was the practice with him to go to importers and enter into a contract with them that he should bring their suits. The importers, in most cases, willing to relieve themselves of the care and responsibility of the suits, have readily entered into these contracts, until Mr. Douglas has, strange as it may seem, concentrated all of those suits in his hands. Mr. Douglas then employed Mr. Griswold as a lawyer to conduct them, arranging their fees and profits among themselves. I have been informed from several sources that the usual fee was one-half of what they recovered, and it is understood that they amounted to millions of dollars. Within a few years—I cannot state how many—a difficulty has arisen between Douglas and Griswold, as I am informed, and Mr. Douglas employs other attorneys than Griswold to conduct the suits. Now, it is also alleged that Mr. Douglas controls an interest in the custom-house, who are interested in the adjustment of these suits; and that, now that Mr. Griswold is thrown aside by Mr. Douglas, not only he, but his friends in the custom house help him to throw obstacles in the way of the suits which Mr. Griswold still controls by his own personal influence. What those various influences are, and what those various causes were, which gave Douglas this position and advantage, of course I do not know.

NEW YORK, *October 24, 1864.*

ETHAN ALLEN being recalled, testified as follows :

I have examined the records of the district attorney's office and find that the number of collector's suits commenced from January 1, 1863, to January 1, 1864, was 879. Examining the bills of costs in the office, filed with the clerk of the circuit court, I find that the clerk's average costs are between thirty-five and forty dollars a suit, as stated in my first examination. All fees which he received as clerk are accounted for, and he is limited to a maximum, I think, of \$3,500 a year; but all fees which he receives, either as United States commissioner or referee in adjusting these verdicts by virtue of the reference of these suits to him, are, as I believe, over and above his maximum compensation as clerk, and are retained by him to his private use.

NEW YORK, *October 26, 1864.*

ALMON W. GRISWOLD being recalled, testified as follows :

By Mr. Hulburd :

Question. It is testified to before the committee that Alfred Douglas has a written contract with various merchants of this city to prosecute their claims against the government for excess of duties paid. Can you give any explanation of that?

Answer. The only explanation I can make of it is this: if a merchant has a

claim for excess of duties against the government, or against the collector—which is the same thing—he would naturally employ the person to recover it for him who would be most likely to be successful in getting it, and who would get it quickest. Now, if Mr. Douglas could show a merchant that he had facilities for recovering this money, either from his knowledge of the business or his association with the departments of the custom-house, and of recovering it quicker than anybody else, he would be likely to get the merchant's business. And if he was able to illustrate the matter by saying, "I had such a merchant's claim, and another merchant had put a similar claim into the hands of Mr. Griswold, and Mr. Griswold has not been able to recover his merchant's money, while I have been able to recover my merchant's money, and he will tell you so;" or, if he could say, "I have recovered a verdict for a certain merchant, and at the same time Griswold recovered a verdict for another firm; I have succeeded in having the verdict of my merchant adjusted and paid, while Mr. Griswold has not been able to have his verdict obtained against the collector so and so adjusted, though the claims were exactly alike"—I say, if he was able to illustrate the matter in that way, he would obtain their business. He might carry the matter still further, and say, "My cases go to Washington, and are paid within fourteen days, on an average; but Mr. Griswold's are not paid in six weeks or two months after they are sent there." The merchant says, If that is so, I will give you my business. To show you that it is so I can refer you to the auditor at the custom-house, who will tell you it is so.

Question. Was any satisfactory explanation ever given you for these delays in your cases?

Answer. No, sir.

Question. Did you ever have any of these delays while Mr. Ogden, the auditor's brother, was your accredited agent at Washington?

Answer. No, sir.

Question. Who is now Mr. Douglas's agent at Washington for taking care of his business?

Answer. Morgan L. Ogden, the brother of the auditor.

Here is a class of freight and commission cases, in which the department instructed the collector here to refund as long ago as 1856, and in which they began to refund them, and in which the principle was settled by the court, and acquiesced in and acknowledged by the department; and yet, when a judgment case of mine, involving \$2,000 or more, goes to Washington, in nine cases out of ten it is sent to the Solicitor of the Treasury with instructions to have the case appealed if it can be done. The case will lie in the Solicitor's office sometimes a week or ten days, and sometimes two or three weeks, before he writes to the district attorney or to the collector. The Solicitor knows perfectly well that the case cannot be appealed; he knows it was a case in which the verdict was taken three or four years ago, and no exceptions taken; and he knows the answer will come from the district attorney that the case cannot be appealed because no exceptions were taken upon which it could be carried up. This got to be so regular a thing that I used to go to the district attorney to certify beforehand that in certain cases, where there were no exceptions taken on the trial, the cases could not be appealed. While Mr. Douglas's cases, exactly like mine, and sent in the same batch to Washington, were passed through and paid in a fortnight, mine were delayed as I have related.

I stated to the committee some time ago, as a reason why merchants would give their preference to a man who got their money back promptly, that of a certain batch of verdicts which I took, Mr. Runkle, and also the district attorney, notified me that not one should be paid unless he (Mr. Runkle) said so, until certain things were done—until the question was submitted to the Supreme Court of the United States, which court had already decided it.

I find now that my clerk in the office, who has charge of these cases, served

a subpoena upon Mr. Barney to produce the entries in some of those cases where verdicts were taken, as long ago as the third of August, and I have before me now a subpoena which was served on the third of August, in which the collector is directed to produce the invoices and entries of A. Iselin & Co. before the clerk of the court in the case against Hiram Barney. On the sixth of August, three days afterwards, I am informed, and believe, that the clerk in the record office, to whom this subpoena was sent, got up the entries and took them to Mr. Runkle; but on inquiry at the clerk's office this morning, I find that none of the entries have been produced to the clerk—now two months and twenty days exactly since the time the subpoena was returnable—and no reason given why the papers have not been produced. I speak of this case to illustrate the matter of which I have been speaking.

Question. Have you any way of enforcing obedience to the subpoena?

Answer. The only way I can do it is to serve a new subpoena upon Mr. Draper, the new collector, and, after waiting a sufficient length of time to produce them, to apply to the court for an attachment to show cause why he should not be punished for contempt for not complying with the subpoena.

There is a still further explanation. This same Mr. Douglas recovered in a suit, some time ago, sixteen or nineteen hundred dollars for this firm of A. Iselin & Co., without their knowledge, and behind their backs, and paid it to them. Mr. Iselin told me they had not the slightest idea how he got the list of their entries. He knew nothing about the matter until the money was brought to him.

Question. Beyond what you have related, have you any knowledge of any inducement or persuasion Douglas has used with these merchants to obtain their business?

Answer. I should not be likely to know.

NEW YORK, *December 1, 1864.*

JAMES T. GRISWOLD, a witness, being duly sworn, testified as follows:

By Mr. Hulburd:

Question. When did you become connected with the New York custom-house?

Answer. In 1849, in the invoice examining department. I remained there about one year; went from there into the liquidating department, and remained there about a year; went from there to the auditor's department, at the refunding desk. I there remained until 1861, when my connexion with the custom-house ceased.

Question. What are the duties of a refunding clerk?

Answer. To adjust claims for duties overpaid, as well questions decided by the courts as those decided by the Secretary of the Treasury.

Question. Was the refunding desk under the auditor's control?

Answer. It was.

Question. Was a record office kept, and were the files of invoices and entries there under the control of the auditor?

Answer. They were.

Question. What had the auditor to do with the refunding of duties?

Answer. He has to check for the amount when made up by the refunding clerk. If any questions arise, he must decide them.

Question. Do you know Morgan L. Ogden?

Answer. I do.

Question. Who is he?

Answer. He is a claim agent in Washington, and brother of the auditor in the New York custom-house.

Question. What and where was formerly his business?

Answer. I do not know. I have understood he was formerly here as claim agent for duties overpaid.

Question. Was he connected with any other person here?

Answer. He was said to be—with Taylor, Douglas, and their associates.

Question. Who were Taylor, Douglas, and their associates?

Answer. They were claim agents here in New York.

Question. What services did Morgan L. Ogden render, or was supposed to be able to render, those parties connected with him, or transacting business through him?

Answer. Those who employed him it was supposed would have their case taken up and put through much earlier and quicker.

Question. Was there really such an advantage in employing him?

Answer. Claims of persons employing him did go through quicker than the claims of other persons.

Question. By employing Morgan L. Ogden was it not generally supposed that their claims would go through sooner, or be adjusted at the custom-house sooner, in any event?

Answer. I do not know.

Question. Do you know a man by the name of Almon W. Griswold; and is he any relation of yours?

Answer. I know him, but he is no relation of mine.

Question. Was there any arrangement between A. W. Griswold and Morgan L. Ogden at any time, to your knowledge?

Answer. There was such an arrangement; I made it. He, Ogden, was to get through Griswold's cases as quickly as possible at Washington, for which he was to have a percentage.

Question. What was the character of the cases this agreement related to?

Answer. English and channel fraud cases, and commission cases, as they were called.

Question. When was that arrangement made?

Answer. I think in 1856.

Question. Had the principle on which those cases rested already been passed upon by the department and courts?

Answer. Yes, sir.

Question. Had the department directed the collector to refund in those cases?

Answer. Yes, sir.

Question. What was the advantage, then, of employing Morgan L. Ogden, such instructions having been given?

Answer. The object or benefit of employing Ogden was to facilitate the business at both ends—here in New York and Washington.

Question. Was that object accomplished by the employment of Morgan L. Ogden?

Answer. There is no doubt that object was secured by such employment.

Question. How long did that arrangement, so made by you, continue?

Answer. Until some time in July, 1857.

Question. What terminated that arrangement?

Answer. The refusal of A. W. Griswold longer to pay the commissions, because of the delay in his business.

Question. Do you know Hunt, a clerk in the custom-house?

Answer. Yes, sir; he was in the record office.

Question. What were his duties?

Answer. To get up entries and invoices.

Question. Do you know of his making a demand upon A. W. Griswold to pay Douglas and Taylor a certain percentage upon all his fraud and commission cases?

Answer. Yes.

Question. How did you know it?

Answer. I was requested to make the proposition several times.

Question. What advantage did he suggest as the result?

Answer. Expedition; or, that his cases should go straight through.

Question. Did he suggest any disadvantage if such an arrangement was not perfected?

Answer. He suggested there would be delay, but I do not know what authority he had for such a suggestion.

Question. Did A. W. Griswold accede to such suggestion?

Answer. He did not.

Question. Were not all of A. W. Griswold's cases from that time suspended?

Answer. They were, by Collector Schell's direction, a short time after Schell came into office as collector.

Question. Do you remember whether any fresh instructions came to Schell to have those cases made up and adjusted, and sent to Washington?

Answer. I do; such instructions came in the spring of 1858.

Question. Were those instructions obeyed?

Answer. They were not.

Question. Did the collector resume the adjustment of those cases while you were in office?

Answer. I think not, except after verdict had been taken; but I am not positive.

Question. Was it understood that Grant, the clerk, was in the interest of Morgan L. Ogden, Taylor, and Douglas?

Answer. Decidedly so.

Question. Was Grant in the pay of Ogden, Taylor, and Douglas?

Answer. I have no doubt he was under pretty large pay.

Question. During the time that Redfield was collector, were A. W. Griswold's cases made up promptly, and did they go along all right until Schell came into office?

Answer. They were promptly despatched.

Question. Were not certain facilities granted to and obtained by Taylor and Douglas?

Answer. I cannot say definitely, but there is no doubt such facilities were granted.

Question. Who had the authority to expedite or delay such cases?

Answer. Nobody but the auditor could direct, or did direct, in what order of priority cases for adjustment should be taken up.

Question. Did you make a second arrangement with Morgan L. Ogden and A. W. Griswold, and why?

Answer. I did, because under Schell's administration there had been, for nearly two years, delay. Then A. W. Griswold brought a large number of cases and obtained verdicts, and at my suggestion another arrangement was made to facilitate the cases with Morgan L. Ogden, at Washington, to wit, to pay a certain percentage. The agreement was made, and I think the cases then went straight along.

Question. Do you know anything of a letter written by A. W. Griswold to a clerk by the name of Beare, in the Treasury Department, at Washington?

Answer. Griswold's claims were much delayed at Washington, and he could not get them through. I suggested and dictated a letter to the clerk, Beare. A. W. Griswold, having a claim there somewhat delayed, wrote such a letter, and said claim went through at once. Some days after such claim was paid, instructions came from the Secretary of the Treasury, with a copy of that letter, directing that A. W. Griswold's business should not be facilitated. I ought to say that when I suggested or dictated that letter, A. W. Griswold said he would not see any clerk in the Treasury Department.

Question. Was the letter written to see what would come of it?

Answer. Yes; I wrote the letter, and nothing wrong was intended, although a letter enclosing a draft came very quickly from Washington for the claim. Beare told me in New York afterwards that if A. W. Griswold had sent forward to him in Washington what he ought, no such letter as that of the Secretary of the Treasury would have been written to New York.

Question. What was the practice or rule in the custom-house in reference to the statute of limitations being applied for duties overpaid?

Answer. The rule was that refunds should be made if the claim was filed within six years after the payment of duties.

Question. Was that the practice all the time you were in the custom-house?

Answer. Yes, if a claim was filed within the six years.

WASHINGTON, *December 20, 1864.*

MORGAN L. OGDEN being duly sworn, testified as follows:

By Mr. Hulburd:

Question. Where do you reside?

Answer. In this city (Washington) for the time being. My family reside in Brooklyn, but I have an office here where I spend most of my time. I consider Brooklyn to be my home.

Question. How long have you been doing business in this city?

Answer. Nine years.

Question. Where were you previous to that?

Answer. In New York.

Question. What was your business before you came here?

Answer. I have always been a lawyer, prosecuting claims.

Question. And is that your business here?

Answer. Yes, as well as that of an attorney-at-law and counsel.

Question. Is this business of prosecuting claims a specialty with you?

Answer. Not altogether, but I have had a great deal of it to do.

Question. What is the nature of the claims you have to prosecute?

Answer. Generally claims for duties illegally exacted, though I have also had claims in the Department of State having no relation to payment of duties.

Question. What do you mean by duties illegally exacted?

Answer. When an importer is required to pay more duties than are imposed by law such duties are illegally exacted.

Question. What port furnishes you mainly with that kind of business?

Answer. New York mostly.

Question. On what papers or ruling do you found your proceedings against the department here?

Answer. Generally now-a-days cases are taken into court by suit, and then, the department here consenting to the judgment, there is very little to be done here except perhaps to expedite its payment by a little personal attention. Frequently there are claims which are not founded upon judgments of courts, and then the certificate of the collector in New York is the evidence of the claim; that certificate is countersigned by the naval officer.

Question. What is the *modus operandi* of proceeding after the judgments are put into your hands?

Answer. Sometimes there is a great stress of business, and that of course causes delay. The mode of proceeding now is changed from what it used to be. The papers, judgment, or certificate of the collector, are sent to the Commissioner of Customs, who examines them, and if he finds them correct, sends them into the office of the Secretary of the Treasury; they are there indorsed by the Assistant Secretary and referred to the accounting officers; then they have to go to the office of the First Auditor, who examines the calculations and the whole statements thoroughly, and the statements are then re-examined by another

clerk in the office of the Commissioner of Customs. After having passed through all that process, if they are found correct, they are sent down to the Register, who prepares the requisition for the warrant. The warrant for payment is issued on a requisition made by the Register of the Treasury. After the warrant is made out, it goes to the Secretary, who signs it, then to the Comptroller, then back to the Register to be registered, then to the Treasurer, where a draft is drawn on the sub-treasurer at New York for payment.

Question. Who is the Commissioner of Customs?

Answer. Nathan Sargeant.

Question. There is very great complaint of delay in getting these claims through. As you have had nine years' experience here, can you tell me the cause of it?

Answer. Objections are sometimes made to claims, and unless there is somebody here to answer those objections, there is liability to very great delay. Objections are frequently made, and the papers are not considered satisfactory and sufficient. But I believe claims go through very promptly now, and have for some time past.

Question. Is it a fact, as a general rule, that a claim will not run through this hopper you have indicated unless it is watched by some one?

Answer. I do not think that is a fact. I cannot speak positively as to claims I have not had anything to do with; but my impression is that every claim goes through as promptly as the clerks can attend to it.

Question. What is the compensation for collecting these claims; is it a percentage or a retaining fee?

Answer. I believe it is always a percentage.

Question. What is the percentage?

Answer. It is sometimes twenty-five, sometimes thirty-three and a third, and I have known it as high as fifty per cent. That is paid to the party in New York who prosecutes the claims.

Question. A portion of that, of course, remains with you?

Answer. I am simply employed by the parties in New York occasionally, and at a very small commission.

Question. Is that a commission or a per annum arrangement?

Answer. I have a small percentage, as nothing is required of me but a slight attention to get the claim through the department—that is, to expedite it. Sometimes my commission is two and a half per cent., and sometimes four or five per cent. There are some cases with which I have had to do from the origin, in which I have had a larger percentage.

Question. In the prosecution of this business with the department, has not it been found convenient, if not necessary, to grease the wheels a little, to use a common phrase?

Answer. I have never paid a cent to any man in the department.

Question. Have you any knowledge that there are clerks in any of the bureaus of the departments who are in the habit of receiving gifts?

Answer. I have no knowledge of anything of the kind, and I do not believe that any of them are in receipt of any fees from outsiders as a compensation for expediting business. The fact is, the clerks who have charge of this business are gentlemen.

Question. Do you do business for a firm in New York by the name of Taylor, Douglas & Co.?

Answer. I have had some business from Earl Douglas, and from Mr. H. A. Taylor. I do not think they are together, though they have had claims together. Douglas is a merchant in New York; and Taylor, I believe, is not engaged in any business at present.

Question. Is there any preference given, at any of the bureaus, to one man's claim over that of another?

Answer. None at all.

Question. Have you ever acted as the agent of, or been employed by, Almon W. Griswold?

Answer. I was some years ago; but not for some four years past?

Question. How long did you do business for him?

Answer. I think, for two or three years.

Question. Was he doing a pretty large business?

Answer. I think he was.

Question. Was it mostly this claim business?

Answer. Yes, sir.

Question. Was his business any different from that of others engaged in that kind of business?

Answer. I knew nothing about his cases until they came to Washington, in the shape of regular judgments.

Question. You say you have done no business for him during the last three or four years?

Answer. I have not.

Question. Was there any special cause for his discontinuance of business with you?

Answer. He assigned a cause, but I doubt whether it was the true one. The government was very short of funds, and Griswold directed me to get the payment of a certain claim of his in seven-thirty treasury notes, which the Secretary of the Treasury was willing to do. I obtained the payment of one of his claims in that way, but another party, who refused to take them about the same time, got his payment in currency or regular notes. He found fault with that, although it was at his express request that I applied for payment in those seven-thirty notes. I believe the true reason was that he had some difficulty with the auditor in the New York custom-house, Mr. Ogden, my brother, and for that reason he broke off with me.

Question. Who attended to his business after that, and who does now?

Answer. Mr. William L. Hodge.

Question. Who is he?

Answer. He has been Assistant Secretary of the Treasury.

Question. Since you ceased doing business for Griswold, have you known anything of his business here?

Answer. No, sir.

Question. Was it during the time that you acted for him here that the order was issued by Mr. Cobb, Secretary of the Treasury, that no facilities should be furnished Griswold at the New York custom-house?

Answer. That was before I had anything to do with him.

Question. Is it in the power of any of these different clerks to expedite or to retard business if they see fit to do so?

Answer. Yes, sir; by neglecting to attend to business it would be retarded; and when a difficult question arises, very naturally a clerk would lay the case aside to take it up when he had more leisure.

Question. Was there ever any discrepancy of views between yourself and A. W. Griswold as to the rate of compensation you were to have?

Answer. No, sir; you asked me if I knew anything about his business since I ceased to be connected with it; I said I did not, but I do know that there are cases of his which were delayed by reference to the Solicitor, and the Solicitor was slow in writing out his opinion. In one case which was delayed it appears the papers were lost and could not be found, and duplicate papers had to be ordered from New York. If there has been any great delay, it has been in his cases by reference to the Solicitor, though it is not within my knowledge.

Question. Are not all cases which are disputed referred to the Solicitor?

Answer. Many are.

Question. Was there anything about these cases of Griswold which would necessarily send them to the Solicitor?

Answer. There was the matter of prospective protests connected with them. The courts had decided that prospective protests were good; but the Secretary of the Treasury never would acquiesce in that decision, and so the cases which depended on prospective protests were referred to the Solicitor to see if it was possible to send them up to the Supreme Court.

Question. Have you known of any delays in Griswold's cases other than those you speak of?

Answer. I do not know of any other cause of delay.

Question. My question is, if you know of any other cases of his being delayed except such as involved the principles you speak of?

Answer. No, sir; and I only happened to know by chance that those cases were sent to the Solicitor of the Treasury. It was mentioned to me casually.

Question. Do you know of any general practice connected with this matter of prosecuting claims which is either an abuse or evil, either to individuals or to the government, and which should be corrected?

Answer. I do not.

Question. Have you had any facilities beyond others for getting business through here?

Answer. None at all.

Question. How long did the arrangement between you and A. W. Griswold continue?

Answer. I think it was about three years.

Question. Was it interrupted?

Answer. It was in the midst of it. He at one time refused to pay my fees, but he afterwards paid them.

Question. Did the first arrangement go back to 1856?

Answer. It might be about that time, I should say.

Question. That continued about a year?

Answer. I really cannot remember, but I think it was.

Question. How long after the discontinuance of the arrangement was it before it was renewed?

Answer. I should say it was about a year.

Question. Do you know who prosecuted Griswold's business during that year?

Answer. I do not think he had much business then. After that he commenced a vast number of suits.

Question. Did the overture to continue this arrangement, or to enter upon a new one, originate with you or with him?

Answer. It was a verbal arrangement. I met him in New York. I think our terms were the same.

Question. Did he make the overture to you?

Answer. I think that must have been so.

Question. Do you remember the words in which the proposition was made to you?

Answer. The substance of it was that he was to pay me a commission of five per cent. upon his claims, except judgment cases, of which there was so many that I was to have only two and a half per cent. on them. At first it was five per cent. on everything.

Question. Can you more specifically state precisely what he required you to do, and what you did do to earn that money?

Answer. I can only say that when his claims came on I was to inquire after them and see that they were passed; and if not passed, to see what objection there was to them. By personal attention I was to expedite them through the different offices.

Question. Give us the *modus operandi* of expediting cases through the different offices?

Answer. Sometimes it would be four or five days after a warrant is drawn before a remittance is made; but if I could get a messenger, and with him follow up the matter through the offices, I could get it through in half the time.

Question. Did you ever know a clerk by the name of Hunt in the custom-house in New York?

Answer. No, sir; not even by reputation.

Question. Did you ever know a clerk in the office there by the name of Grant?

Answer. Yes, sir.

Question. Did you ever have any conversation with him in reference to the business in the custom-house connected with claims?

A. I do not remember that I ever did. But he was in the room where the entries and papers are kept, and I may have asked him to get up some entries.

Question. Do you remember whether you ever had occasion to pay him anything extra?

Answer. Never a cent.

Question. Do you know of any one ever paying him anything extra for working out of hours in getting up papers?

Answer. No, sir.

Question. Do you know of Douglas or Taylor paying him anything?

Answer. No, sir.

Question. Do you know a clerk in any of the bureaus here by the name of Beare?

Answer. I used to know him.

Question. Is he in the Treasury Department now?

Answer. No, sir.

Question. What was his situation when he was here?

Answer. He was a clerk in the Secretary's office, and these return-duty claims always came to him first.

Question. Was there not a uniform delay with him?

Answer. He was sometimes slow and allowed matters to accumulate. He was always looking at claims to see if they were entirely correct, but he was not captious in any way.

Question. Were not means found to expedite his judgment upon claims?

Answer. He told me himself that a party in New York had offered to compensate him; that he took the letter immediately to the Secretary, and that that was the reason why Griswold was involved in difficulty with his cases at the custom-house.

Question. After a draft is drawn here for the payment of a claim, does it come into your hands?

Answer. Not at all. It is sent directly to the collector at New York.

Question. After it goes to the collector, do you know what the process is of distribution of the money?

Answer. I do not. When the money is for the payment of a judgment, I believe the judgment is satisfied of record. Evidence of that is brought up to the collector and he delivers the draft.

Question. Do you have anything to do with the cases after they pass through the department here?

Answer. Nothing at all.

Question. Does your compensation depend upon the auditing and authorization of the cases here, or upon their final payment in New York?

Answer. Upon the final payment. If a claim is not paid I do not receive any compensation.

Question. Do your clients in New York ever claim that there are delays in New York after the cases have run the gauntlet here?

Answer. I have never heard of any such complaint.

Question. Do you know whether A. W. Griswold, or any one else, has cause to complain that there are delays in New York in the payment or distribution of money?

Answer. I do not know.

Question. Did you ever hear of it?

Answer. Never.

Question. Is any one connected with you in business here?

Answer. No, sir.

Question. Is any one connected with you in this business elsewhere?

Answer. Nobody.

Question. Did you ever have, or have you now, any connexion with this Douglas other than that he pays you two and a half or five per cent. on the collections?

Answer. I have no other connexion with him.

Question. Have you any interest with him in his own business other than this interest of two and a half or five per cent.?

Answer. No, sir; except that the commission is sometimes more than five per cent. With his other business I have no concern whatever.

Question. In any of these cases is there an understanding which is carried out that there shall be a division between you and him of the amount recovered?

Answer. There has been in some former cases. I may have been allowed one-third or one-quarter.

Question. Does that understanding still exist with Douglas?

Answer. Hardly, as he has no claims except some which have been pending for two years, and are still unpaid.

Question. Do you know where the information and papers are obtained on which Mr. Douglas founds his suits?

Answer. He very rarely brings a suit himself. I do not think that for the last year he has had three thousand dollars of claims. I have no connexion with Alfred Douglas. I do not think Alfred Douglas employs any agent, and he is not willing to pay a compensation.

Question. Do you know where this Douglas for whom you do business obtains the information upon which he founds his suits?

Answer. His information must come from the importers, of course. They complain to him that they have been compelled to pay too much duty.

Question. After that complaint is made to him, what is the next step he takes?

Answer. He consults the law to ascertain whether the duty paid is legally exacted or not.

Question. Suppose he is retained to bring a suit, where does he get the requisite information?

Answer. That is a matter I know nothing about. They would not be likely to tell me about such things, as I would have no interest in them. I do not see that there is any information one party can furnish to another to carry on these suits successfully. A man must be governed by his own judgment.

Question. Do you know of any clerks or attachés of the Treasury Department here who share, directly or indirectly, in the percentage or commission of any of these claims?

Answer. I do not, and I do not believe there are any.

Question. Do you know of any custom-house officials, or of any attachés of the New York custom-house, who share in the percentage or commission on these claims?

Answer. I do not.

Question. Do you know, personally or from information, whether, for a con-

sideration, cases in the custom-house are expedited and given an undue preference over others?

Answer. I know nothing about what compensation may be paid to clerks in the New York custom-house.

Question. Have you heard any such thing spoken of by the clerks or custom-house officials?

Answer. No, sir, never. I think it not unlikely that it is so, but I do not know.

Question. Have you heard that it is, or have you reason to believe that it is so?

Answer. I can believe only what I know, of my own knowledge. I may have heard such a thing, but it might not be true.

Question. What I want to know is, whether you have a conviction of that kind in your own mind?

Answer. I presume that a good many clerks in the New York custom-house are paid for passing entries originally. They used to be paid, I know, for doing their duty, but that has been forbidden.

Question. Do you know anything of that kind with reference to anybody there higher in position than clerks?

Answer. No, sir; unless it may be the Stanton case.

Question. Do you know of any such thing in regard to the bureau in the custom-house where the original entries and papers are kept?

Answer. I have heard that Griswold said that he had paid Grant for getting up his entries. I now recall that fact. Also, that he informed the collector of it, and that he brought his accounts and showed checks which he had given to Grant.

Question. Is it not in the power of the custodian of those records to expedite or obstruct the getting up of the papers in any case?

Answer. If he chooses not to keep up the entries the claims cannot be got up, and I suppose if he works hard he may expedite the getting them up. There is nothing else he can do.

Question. You stated you had a brother in the custom-house?

Answer. Yes, sir.

Question. What is his business?

Answer. He is the auditor.

Question. Do these drafts or warrants for the payment of claims pass through his hands?

Answer. They are received by the collector, who sends them up to his office.

Question. Has the auditor had any share in the receipts by yourself from this business?

Answer. Not a cent.

Question. Is there any understanding, verbal or written, with reference to the business you do here, and which passes through his hands there?

Answer. None whatever. He does not know what business I have here.

Question. Does not your name appear upon the papers that go there?

Answer. Not at all.

Question. Have you ever expressed a wish, verbally or by letter, that cases in which you were interested should receive immediate attention?

Answer. Never by letter, certainly. Possibly, when I have been in New York, I may have expressed a wish that some matters I was interested in should go through. It would be only natural that I should, but not for any compensation.

Question. Is there, or is there not, without reference to compensation, an understanding between you and your brother that cases managed by you here shall go straight along there?

Answer. Not at all.

By Mr. Rollins:

Question. Do not they go straight along?

Answer. No, sir; not a bit straighter than others.

Question. Does he prepare the statement of the cases?

Answer. He has nothing to do with them.

Question. Have you ever had occasion to complain of delays in your business at the New York custom-house?

Answer. I never had.

Question. And you never did complain?

Answer. Never.

Question. Then business, so far as you are concerned, was promptly transacted in the New York custom-house?

Answer. In all cases in which I have been interested to the amount of these commissions there was no delay of which I had any reason to complain.

Question. Was not the fact that you were employed by Griswold to look after his cases here well known to the auditor of the New York custom-house, and to the parties who prepared the papers?

Answer. I do not know whether it was or not.

Question. Is it not probable that it was?

Answer. It is certainly probable. I think it is quite probable, but I know there are many cases I am concerned in he knows nothing about.

Question. Are you not aware that since Griswold ceased to employ you his cases have been delayed?

Answer. As I said before, some of his cases have been referred to the Solicitor and a delay has occurred on that account. And there was another cause of delay: Those cases of Griswold's are very voluminous, and it takes a great deal of time to go over all the calculations. It sometimes takes a clerk two or three days to examine one of them.

NEW YORK, *September* 14, 1864.

CORNELIUS A. RUNKLE, a witness, was sworn and examined as follows:

By the chairman:

Question. You are connected with the custom-house?

Answer. Yes, sir. I am deputy collector of the 9th division.

Question. What are the duties of that division?

Answer. The investigation of all cases brought against collectors for the recovery of excessive duties, and the examination of all cases transmitted to the Treasury Department for payment.

Question. Is it a part of your duty to receive and examine papers passing from the United States district attorney's office touching the revenue?

Answer. Yes, sir.

Question. State to the committee the *modus operandi*.

Answer. The suits for the recovery of excessive duties are brought usually in a State court by the mere service of a summons, which contains no information as to the nature or character of the claim, or the amount, ordinarily. It has been the practice, until recently, to immediately transmit them to the district attorney, requesting him to appear and defend the same, and send to the collector a bill of particulars of the claims. In a great many of these cases verdicts are taken by consent, subject to adjustment, upon the statement that the principles involved, and the facts, are similar to some prior case which has been tried in which the principle has been settled; which statement is accepted by the district attorney. This is done usually before any investigation of the case has been made at the collector's office, where all the evidence in relation to it exists. It frequently occurs that defences exist which are not pleaded,

and particularly the statute of limitations. It is impossible to know, at the time the consent is given, what the nature and character of the claim is, except from the statement of the plaintiff's attorney.

Question. Where that defence exists in any case is it not easy to ascertain the facts?

Answer. It is. Several cases have been prepared for transmission to the Treasury Department for payment, in which I have discovered, when they passed through my office, that the statute of limitations had not been pleaded; and, if it had been pleaded, it would have been a bar to a part of the claim, and, in some instances, I believe to all of the claim; particularly a case against Mr. Bronson, in which the whole amount was barred by the statute. I have notified the district attorney of the existence of these defences. In several of these suits the collector, being informed that this defence existed, concluded not to transmit them to the department for payment, but to notify the district attorney of the existence of such defences; and he also, upon request, notified the plaintiff's attorney of the objection to their being transmitted. Recently the collector received a letter from the Solicitor of the Treasury, enclosing a letter from the Assistant Secretary of the Treasury, asking the Solicitor to investigate this case and inquire of the district attorney whether there was any prospect of these judgments being opened; and if not, to have the statement transmitted to Washington. The Solicitor of the Treasury, in his letter, stated that he had communicated with the district attorney, and had informed him there was no prospect of their being opened; therefore, he requested the collector to transmit the statement to the department, which has been done. In the transmission of these certified judgments the attention of the department was called to the existence of these defences. The objection to this practice is that such a defence as the statute of limitations cannot be interposed after a verdict has been entered, the courts setting their face against allowing a technical defence to be interposed after a verdict. In view of the existence of this state of things the Treasury Department directed the collector some two months ago to have the deputy of the 9th division (who has the particular charge of these cases) to appear in all suits brought against the various collectors, and make the investigation before they were transmitted to the district attorney's office, so that when they were placed in his hands they might be accompanied with all the information the custom-house and the various departments afforded. The number of cases brought since that time have very much diminished. The practice of taking judgments in this way, I understand, did not originate with the present district attorney; I understand it is an old practice. The practice of allowing judgments to be entered by consent, without a prior investigation, is of years' standing; it did not originate with Mr. Smith. For instance: a suit was brought some years ago by Septimus Crooks, against Collector Redfield, to recover an amount of some \$8,000 or \$10,000 for excessive duties, in which the plaintiff obtained a judgment, and had it satisfied on execution. Subsequent to that time he commenced a new suit to recover the sum of about \$1,000 which he neglected to prove in his prior suit, and which claim was included in that prior action. No defence was made to that suit. Two defences existed—the statute of limitations, and the plea of former judgment. The certified judgment in that suit has been sent on to Washington by request of the Solicitor of the Treasury, it being one of the suits referred to in his letter above mentioned. If those defences had been interposed, this judgment could not have been obtained; from the first of January to the first of June, 1864, five months, there were brought against collectors, for the recovery of excessive duties, nine hundred and thirteen suits. I commenced appearing on behalf of the collectors about the first of June, and from that time to the present, nearly five months, there have been brought one hundred and seventy-eight suits.

Question. Have you reason to believe that there is any collusion between the parties bringing those suits and those who should defend them?

Answer. All I can say about that is, that they get their judgments very easily.

NEW YORK, *September 15, 1864.*

GEORGE DENNISON, a witness, sworn and examined.

By Mr. Rollins:

Question. State what you know about the recovery of excessive duties where suits are brought against the government.

Answer. I stopped six judgments that had been taken against the United States government, had been certified to by the clerks and the auditor under the collector, by the collector, and by the clerk in my office, whose business it was to examine the calculations and see that the matter was made up properly. I can hardly tell you at what time my attention was called to this subject—to the subject of repayment of overpaid duties. I had for a long time been aware of irregularities in that matter. I had been told by lawyers who were engaged in the business that there were great irregularities; that is to say, that clerks in the auditor's office were in collusion with these claim agents. I might as well state that Almon W. Griswold, who has been very successful in this business, is a claim lawyer, and is now engaged in recovering back overpaid duties. He called into my office yesterday, called my attention to a number of judgments lying on my table, and complained of great hardship that his business was not attended to as the business of other claim agents was; said that Mr. Runkle, the deputy collector in charge, had treated him very shabbily; that he had refused to certify his cases on the ground that the claims were outlawed, when he knew that he had passed a great many that were in the same fix. I told Mr. Griswold that I heard a great many complaints, and that it was the most difficult thing in the world to get the matter into any shape where it would be decided; and I said, "I won't have anything to say to you until you go to the collector and put this thing in a shape in which it can be examined at once, and I will assist you. If these facts are true, I want to have them brought out." He said he would go and see the collector to-day. I cannot say at what time my attention was called to the repayment of overpaid duties. I am aware that all these claims have to be certified by me, finally, as being correct, and on all these occasions I availed myself of what information I had within my reach. I made this a point at first. I said to my special deputy, Mr. Franklin, "Now, Mr. Franklin, I don't wish to sign any paper here that I don't understand the effect of, and, as you are familiar with them, I desire that you shall make a thorough examination, and then I will have your check, as well as the checks of the others, and then I shall have security." I commenced in that manner. In relation to these judgments and statements that were made up for overpaid duties, I made it a condition that Mr. Franklin should always examine them and then bring them to me. That course has been continued up to the present time, but with some interruptions. It has been my habit frequently to speak to Mr. Merrill, who had the making up of these matters, and to examine him as to what was done, and he says, "These judgments and these papers come to me in this form, and I have other papers up in the naval office, and I make the examinations. If I find they agree with the calculations made by the collector's office, I sign the checks." I said to Mr. Merrill, "Do you ever examine these cases to know whether they have been properly protested, and if they have protested, whether they have appealed?" Now, in all these cases you are aware they have to protest against the amount exacted, and then they have to appeal to the department. He said he did not examine those questions; he did not examine into the legality of these things because they came to him in the form of judgments, and he supposed that this matter was examined at the trial at the City

Hall, and that as the papers, these protests, and these various papers and correspondence were connected with the collector's office, and had passed through the hands of Mr. Ogden, the auditor, he considered a perfect guarantee that it was all right. Well, notwithstanding those assurances, I was aware, from the appearance of things, that there was something wrong, and the first cases that I got hold of were these six judgments that were obtained by Washington & Culver. I stopped them. I refused to sign them. Mr. Barney had signed them, and they had gone through his office, and only required my signature for them to be sent to Washington and the money paid. I made this examination, and, after satisfying myself of all the facts, I sent for the special agent of the Treasury Department, Mr. Bailey, and called his attention to these facts, and explained them to him. I stated to him that I understood that a great many judgments that preceded these had been paid, and that I felt very uneasy about it, very much dissatisfied that the force in my office was not sufficient to make the examination; and that when these parties said, "Well, it is all right, because it has the sanction of the naval officer," I felt that, by virtue of giving that sanction without knowing the facts, I was not occupying a proper position, and that I should either certify the facts, or I should know more about it. Mr. Bailey proposed to have this matter attended to at once. This was some time last fall or winter, I cannot tell exactly which. Here is the certificate of the clerk of the court, and everything is apparently regular, and the argument used to me to induce me to sign it was that I had the matter in this form, and it would be an impropriety in me not to sign it, and that perhaps it would be a contempt of court, and that it would not be right for me to refuse to sign them. But I declined to do it. At this time, before I put these papers into the hands of Mr. Bailey, I sent to the district attorney's office, and Mr. Ethan Allen, the deputy district attorney, was in my office, and I showed him these judgments, and said, "How does it happen that these judgments are taken when the law has not been complied with?" Well, he said they were taken by default; that there was no defence. He said that Mr. Culver, the lawyer on the other side, was a gentleman, and was in every way an honorable man, and he had assured him, upon his honor, that the claim was right and legal, and everything was right in form, and that he had allowed the judgment to be taken on that assurance. He said if it should turn out that it was not so, he should take measures to have him thrown over the bar. I asked Mr. Allen at that time if they were in the habit at the district attorney's office of allowing judgments to be taken against the government by default, and he said they had been while they were in the office. I complained that it was very improper, and I made representations of this fact to the collector and to the agent of the department, Mr. Bailey, and the matter was partially turned over to him. There has been nothing done about it since, that I am aware of. Now, notwithstanding what has transpired, there has been quite a large number of claims that were outlawed, barred by the statute of limitations, that have lately been paid, and have been paid by direction of the department at Washington. I have letters now, signed by the Assistant Secretary and by the Solicitor, directing that statements, &c., should be made up of those claims that are outlawed, so that they should be paid.

Question. Where judgments had been rendered?

Answer. No, sir; no judgments rendered.

NEW YORK, *September 16, 1864.*

GEORGE W. CUMMINGS, a witness, sworn and examined.

By the chairman:

Question. How old are you?

Answer. 32 years.

Question. Do you reside here in New York?

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Answer. I claim my residence as yet in Brooklyn; I have not given up my residence there.

Question. You have been connected with the custom-house?

Answer. Yes, sir.

Question. How long?

Answer. That I cannot exactly tell; but I think it is between three and a half and four years.

Question. Through whom did you receive your appointment?

Answer. Augustus Schell.

Question. What branch or bureau of the custom-house were you in?

Answer. At first I was appointed temporarily in the enrolment office; that is the office where all the tonnage of vessels and the ownership is transferred and controlled. It is like the county clerk's office in a county, where a man wants to go and see if there is a mortgage against a certain lot of land there.

Question. How long did you remain there?

Answer. Ninety days.

Question. And then?

Answer. And then I was transferred to the warehouse department as a liquidating clerk.

Question. How long did you remain there?

Answer. I remained there until about the 25th of November, 1862; but I am not positive about that—I think it was in 1862, in November.

Question. And from that transferred to where?

Answer. Transferred to the auditor's department as claim clerk.

Question. When did your connexion with that department cease?

Answer. About the 1st of August, 1864.

By Mr. Rollins:

Question. I wish you would explain what your duties were as clerk to the auditor.

Answer. My duties were of somewhat a varied nature. In the first place, where a merchant had overpaid his duties, either by the action of the collector or the construction of the law according to the decision of the collector, and it was subsequently ascertained, by reference to the Secretary, that the collector was wrong, and that the man had a claim against the government for a certain amount, I had to make up, according to my knowledge of the custom-house business and the tariff, &c., the amount that he had overpaid, had that submitted to the naval officer, or the one who examined my work, and, if he checked it as being correct, it was returned to our office, and I went in and made my statement to the auditor, and he forwarded it to Washington, and after examination there, if found correct, the draft for amount of claim was returned to the auditor; he would give me notice that he received that draft, and I would advise the parties that a certain draft for a certain amount was there, and would be presented to them on application. Those parties would generally come to my desk and apply for the money. The auditor would hand the draft to me, and, on the claimant satisfying me that he was the proper party, I would hand him over the draft, take his receipt, and file the paper. Then there was another class of claims that I adjusted, brought by certain lawyers and claim agents here, who contested certain points or constructions of the law, and entered protests, which I filed in a book, numbering them regularly, and sending a duplicate copy to Washington, to the Secretary of the Treasury. The way in which I received these claims for adjustment was this: The district attorney would write to the collector a letter, stating that a certain number of cases, or one, perhaps, had been decided, on such a date, in favor of the plaintiff, and sometimes there would be a specific amount stated, as the verdict of the jury; at other times it would simply be adjusted according to the custom-house usage. Of course, if it was the decision of the judge, we could not go behind that. I

was to make up the amount of overpayment and interest, to compare, as near as possible, with the judge's decision, and if there was any great discrepancy, we would send our figures to the district attorney, and he would submit them to the judge, and they would adjust them. That statement I would swear to before the United States commissioner; and then, after being signed by the collector, and examined and signed by the naval officer, would send the statement to Washington, for examination there. On their examination and concurrence in our figures, they would send back a draft, in the same way as in the other case. I would then mail a printed circular to the parties, to inform them that we had received such a draft, and they would send their lawyer to us, he being the attorney of record, to receipt for the money, and we would pay it over to them, and that would be the end of that transaction.

Question. This correspondence with the district attorney takes place after the judgment has been rendered?

Answer. Yes, sir.

Question. Why not before?

Answer. Because there is not a decision before.

Question. Why were not some steps taken to ascertain it?

Answer. That is the district attorney's business. The collector would be served with a summons to appear in a certain case at a certain date. He would enclose that letter with the summons to the district attorney, and the district attorney represents him and the government.

Question. Have you not facts in your possession that are of value to the government, in case they desire to defend this suit, that should be furnished before judgment is rendered?

Answer. Not necessarily, although I have been subpoenaed as a witness on many occasions, because of my connexion with the custom-house. My duties have been varied, and I was pretty well posted up. The district attorney would summon me, or any one else he chose, to appear there as a witness, and the trial would go on with these witnesses; then the case would be presented to the jury by the judge.

Question. Do you remember some cases of Powers & Weightman and Rosengarden & Sons?

Answer. Yes, sir.

Question. And which were suspended in the naval office?

Answer. Yes, sir.

Question. What do you know about those cases?

Answer. I don't know anything about them.

Question. Why did you make them up?

Question. I made them up on the report of the district attorney, which is on file in the office, because he said the decision was thus and so. I made them up according to that decision.

Question. Did you examine to see whether that decision was correct or not, according to your opinion?

Answer. No, sir; that was not my business.

Question. I understood you to say you often do that?

Answer. No, only on these points: if they had been barred by the statute of limitations, or a protest had not been entered.

Question. Did you examine to see if a protest had been entered or not, or whether the case was barred by the statute of limitations?

Answer. Yes, sir.

Question. What do you say about that?

Answer. I say they were not barred by the statute of limitations.

Question. Did you examine to see whether there was any real defence in these cases or not—any defence on the merits?

Answer. No, sir; I never had anything to do with that.

Question. You understand the law with reference to similar cases?

Answer. I understand that if the cases are not protested, and certain requirements of law—

Question. Does it not require an appeal to the Secretary of the Treasury, and a decision from him?

Answer. I don't understand that it does in certain cases, and in certain cases it does.

Question. Don't you know that in those cases they had no right to sue, because there had been no appeal?

Answer. I did not, and do not know it.

Question. Could you not have ascertained it?

Answer. No, sir; I have no means of ascertaining it. My supposition was and is now that that was the business of the district attorney.

Question. Who brought these suits?

Answer. I think Mr. Culver was the attorney in these particular cases; I know he was, for the naval officer brought them to my notice.

Question. Did you have any communication with Mr. Culver with reference to these suits?

Answer. No, sir; nothing more than that he came to me very frequently to see whether they were adjusted by me—whether the figuring was done or not. That was the only interview I had with him.

Question. State what occurred at those interviews.

Answer. I cannot state what occurred at those interviews.

Question. What consideration did you ever receive from him, directly or indirectly?

Answer. From Mr. Culver?

Question. Yes.

Answer. I never received any consideration for adjusting cases.

Question. Did you ever receive any consideration from him for any purpose?

Answer. I have received presents from him and others, but never for any specific purpose, except for working at night and out of office hours.

Question. What were the presents?

Answer. I cannot tell you. I have received boxes of cigars, or a gallon of brandy, or something of that kind, that men are in the habit of sending to custom-house employes, but never for anything except overwork. If a custom-house employe is obliging to parties they feel clever enough to send them occasionally a present.

Question. Did you ever receive any money from him?

Answer. Yes, sir; I have received some money.

Question. How much?

Answer. I cannot tell you how much.

Question. About how much?

Answer. I cannot tell you anything about it; I don't know; I have not the slightest idea, but never any great amount, and any money I have received from him has been in this way: I have gone to him and said, "Here, lend me \$5 or \$10," and he would lend it to me; and sometimes, but not always, I borrowed money from him and paid it back again; but never borrowed a cent from him that I did not intend at the time to pay; and I have gone to him to pay it and he would say, "Well, here, never mind that, I will make you a present of that," and he would occasionally pay me for overwork.

Question. Are these instances of frequent occurrence?

Answer. No, sir; not by any means.

Question. Could you not tell within \$100 the amount you have received from him?

Answer. No, sir. I have no means of knowing what it was, and don't recol-

lect, for on the three or four instances in which I have received money from him it was in the way I have just stated, he giving me just what he pleased.

Question. He is a claim agent and a lawyer?

Answer. He is a custom-house broker.

Question. How does he get possession of the information with reference to these suits where there has been excessive duty paid?

Answer. I cannot tell you; I never gave him any information, and never knew how he got his information, except that occasionally I would see a protest signed "A. R. Culver," or "Washington & Culver." Culver signed them sometimes himself.

Question. Is not this information, that is so necessary to commence these suits, obtained from the clerks in the auditor's office?

Answer. No, sir; and I wish to give you the most emphatic answer I can to that: so help me God, I don't think it is. I never gave any information, and I don't believe any one else did, and I will tell you my reason in support of that.

By the chairman:

Question. Could it be obtained elsewhere?

Answer. I could not, of course, say. My knowledge don't extend that far. I know three or four claim agents here. The name of one is Culver, the name of another is Craig, and the name of another is Griswold. I know that these men are trying to get up all the questions they can in opposition to the tariff or to the decision of the collector. They are around the custom-house all the time, and Culver knows more in a minute about the previous decisions of the collector, and about his construction of the law, than I would in a lifetime. His customers, the merchants, come to him and say, "We think this thing is not right." New York merchants are pretty sharp, and they take this tariff act when printed, and read it over, and they say, "This is not right; we won't stand this," and, as a consequence, they go to their brokers. These brokers possess knowledge, from their experience in that business and their study of it, that no lawyer in New York, or custom-house clerk, who has one line of duty to perform, can possess. I have been astounded at the points they would raise, and would say, "By Jove! I ought to have seen that point myself;" and the only way they get this information, according to my observation and belief, is, that they get it themselves. I mean to say that it comes from their brains.

Question. How does he get possession of the information with reference to these suits where there have been excessive duties paid?

Answer. I don't know. I never gave any such information to any one whatever.

Question. Must not this information come from the custom-house?

Answer. No, sir.

Question. Where can they obtain it?

Answer. I cannot tell you. I can show you in this custom-house where a man signs his entries thus: "We protest against any payment of duties whatever, believing the exaction of duties illegal." I can show you a thousand of these entries probably, and probably ten thousand.

Question. How might the evidence be obtained from the custom-house?

Answer. I don't know.

Question. Do you mean to say you don't know any way in which this evidence could be obtained?

Answer. I mean to say this: that there might a question arise, in which the judgment of some clerk or official might say, "Well, here, that point is wrong, and if I think it is wrong I will tell so and so." It might be that way. I have never heard of any such case, but it is possible the custom-house officials might know the decision of the Secretary of the Treasury, and that they would be beaten in law.

Question. And that they would make this communication to the claim agent?

Answer. They might do it, but I don't know of any such case.

Question. What propositions, if any, have been made by these claim agents to the clerks with reference to those cases for the recovery of excessive duty?

Answer. I have never known of any other clerk than myself receiving any such proposition. I have had men come to me and say they thought there was something in a certain point—I don't recollect any particular one—but say that they thought there might be some money made, and ask my opinion of it, whether the money could not be recovered, and I may have given my opinion, on my own judgment, whether the decision of the government was right or wrong. I won't deny or affirm it. I don't recollect anything about that, but I have never received one dollar from any living man for any opinion that I have given.

Question. The question was, if any of those agents had made any proposition to you?

Answer. No, sir; never one. I don't recollect any specific proposition that ever was made to me, but I have had a clerk of a merchant come to me, and say he thought a certain thing was wrong, and wanted to know my opinion of it, and I would give him my opinion honestly.

Question. Was not that the means taken to secure the end they desired? Did they not accomplish their object in that very way?

Answer. Why, certainly not. That was simply asking my opinion, and my opinion never resulted in anything. I never knew of a case to be decided on it; it was simply a conversation unofficially between that party and myself, if it ever occurred.

Question. Do not these claim agents, or the parties interested, from these interviews with clerks and others, get a knowledge of the errors and classification of goods, &c.?

Answer. I don't think they do.

Question. When are the protests made?

Answer. They must be made within ten days, but not at any particular time within that ten days, and they may protest, before the vessel arrives, on the decision of the collector on any former invoice or shipment.

Question. Are protests ever made at a later period than the ten days?

Answer. Yes, sir.

Question. Is that a legal protest after ten days?

Answer. No, sir.

By the chairman:

Question. Is it received or treated as legal?

Answer. Yes, sir.

Question. Who by?

Answer. It is received, as a matter of course, for the question has not been decided yet; and when they bring their cases up for adjustment, all that are outside of ten days are thrown out.

By Mr. Rollins:

Question. What is the difficulty in antedating a protest?

Answer. The difficulty is, that the clerk who receives them regulates them according to their dates at the head of the protest.

Question. Suppose they antedate the protest and then fill it?

Answer. He could not do so, according to the book, because the protests are recorded each day; and the protests are marked in the margin, and there is no line left by which he could antedate them to fill in. The protests could not be inserted after the ten days had elapsed, because there is a record of each day's proceedings.

Question. Is there not some way in which that could be done?

Answer. No, sir; not to my knowledge, because the duplicate protests are sent to Washington, and at the same time they are recorded here.

Question. Are these protests filed the day they are made?

Answer. No, sir; they are filed the next day.

Question. Does not a longer time elapse?

Answer. No, sir, unless the clerk might be sick. In that case it might be that one day would elapse; and in that case they are put in a box by themselves, and they are all dated the day they are lodged in the box. Where we have discovered that a merchant has forgotten to lodge his protest in the box, and there is a discrepancy of several days, we make a note of it and say, "received such a day," in case it might conflict with the ten days. That was my custom always.

NEW YORK, *September 19, 1864.*

GEORGE W. CUMMINGS recalled.

By Mr. Hulburd:

Question. Was it your duty to examine and determine the amount claimants are entitled to under verdicts referred to in your last examination, recovered against the collector in court, subject to the amount to be determined at the custom-house?

Answer. Yes, sir.

Question. Tell us, in detail, how you arrived at the amounts to be certified by the custom-house as due to claimants.

Answer. The first thing I did on taking up a case for adjustment was to examine whether any portion of it, embraced in a certain lot of entries furnished me from the records of the custom-house, was barred by the statute of limitations. Then I examined the entries to see whether they were duly protested within the prescribed time. Then I would take up the entry, open it, and refer to the district attorney's letter to see upon what point the claim was based. For instance, I would find a claim for excess of commissions on charges on goods coming from Great Britain. Formerly the charge was two and a half per cent. as commissions, but the court decided that the government was entitled to only one and a half per cent. commissions. If that was the point, I would open the entry, see whether two and a half per cent. commissions had been charged, and, if it was duly protested, I would write on the back of the entry, in pencil, whatever the amount overpaid was. After going through the entire case in that way, I would submit the entries to the examination of the naval officer. If my figures were found to be correct, the amounts would be checked, and the papers returned to me. If a discrepancy occurred, or we disagreed in figures, the papers and figures would be sent back to me for explanation, and, after consultation with the naval officer's department, I would adjust it in accordance with our supposition of what was right; that is, we would correct our figures. Then I would make a statement of the several amounts, add the interest up to the date of the verdict, and to that amount I would add the interest from the date of the verdict up to the time of our sending the statement to Washington, making compound interest of it. I would then take it to the clerk of the circuit court, and swear before him to the true adjustment of it. He would examine the statement, and, if he found it to be correct, would issue a certificate of the amount of the judgment. The statement would then be returned to me, and I would present it, with the certificate attached, (after being checked by the auditor, to show that he had seen it, and that it was all right,) to the collector for his signature. The collector would then sign it, and return the statement to me. I would then present that copy, with the duplicate, to the naval officer for his signature. The statement would first be checked by the clerk who had examined the figures, and then by the deputy naval officer,

who would hand it over, after his own examination, to the naval officer. Then the statement would be handed to me, and I would indorse it, enter it into a book kept for the purpose, and hand it over to the auditor to be forwarded to Washington for payment.

Question. Was it your business, or was it the business of the court, to determine as to the time and sufficiency of the protest?

Answer. It was the business of the court.

Question. What had you to do with the protest?

Answer. I had to see that each entry was protested. The protests would all be written or printed in the same form, and the protest must be made for each vessel. My business was not the construction of the protest, but to see if each entry was covered by the protest, the sufficiency of the protest having been previously decided by the court.

Question. Do you know the *modus operandi* in court of determining the sufficiency of these protests? Do they really have any examination?

Answer. Yes, sir; they do.

Question. Who is the person to whom you first submit your figures?

Answer. The clerk of the court.

Question. You go there and swear to their correctness?

Answer. Yes, sir.

Question. Does the clerk of the court, when he administers the oath to you, give the statement any examination whatever?

Answer. Yes, sir.

Question. How?

Answer. I cannot tell, because I always left the statements with him. He afterwards examined them, and returned them to me, showing errors in them. That was evidence that he had examined them.

Question. What data has he to correct any errors?

Answer. He has the statements.

Question. What data has he to correct anything but a mere clerical error in your statements?

Answer. He has the entries, and he can see all that I can see.

Question. Did you submit to him all the entries?

Answer. Yes, sir; but in all the cases I did not. I would say to him that all these entries were just alike, and he would swear me to that effect.

Question. Is it not a fact that you often submitted cases to him without the original entry papers, and he took your word for it?

Answer. Sometimes.

Question. Was it not an exceptional case that the papers were submitted?

Answer. No, sir, I think not. That only occurred where the verdict was taken by consent. Where there were a number of cases in which the principle involved was the same, the district attorney would consent to a verdict with certain restrictions.

Question. Then does the committee understand that where the district attorney, by consent, allowed verdicts to be entered against the government, the original entry papers were not always submitted by you to the clerk?

Answer. They were not always, but in most instances they were.

Question. And these papers you left with him were subsequently taken by you and submitted to the auditor?

Answer. Yes, sir.

Question. When submitted to him, what was the process in the auditor's room in reference to them?

Answer. I would take the statements to the auditor, and tell him I had made up those statements, giving him the title of the cases, and giving him the district attorney's report of the cases. He would read it over, and ask me if I had examined it in reference to the protests, and whether the matter was barred by

the statute of limitations. He always asked me that question, and I always answered that I had.

Question. Were those the only two points made?

Answer. I would always have to submit with this statement a copy of the protest, which he would take and look over together with the statement. If he was satisfied the protest covered the point, he would check the papers; if not satisfied, he would ask me to explain certain points. If then satisfied, he would check the papers; otherwise not.

Question. To whom did the case go from his desk?

Answer. To the collector for his signature, which was given as a matter of course.

Question. And from the collector to whom does it go?

Answer. To the naval officer.

Question. What sort of examination did it undergo there, and upon what?

Answer. Upon all the papers; everything that I had upon which to make up my statement.

Question. Do you know anything of the extent of the examination which takes place there?

Answer. Each item is critically examined by itself.

NEW YORK, *September 20, 1864.*

HENRY MERRILL, a witness, being duly sworn, testified as follows:

By Mr. Hulburd:

Question. Are you a clerk in the naval office?

Answer. Yes, sir.

Question. How long have you been so?

Answer. Since 1858.

Question. What are your duties?

Answer. It is to examine claims made up in the collector's department against the government for excess of duties paid, for damages, &c.

Question. To your knowledge are there great abuses growing out of those claims?

Answer. I do not know of any.

By Mr. Rollins:

Question. Do you see all those claims which come to your desk?

Answer. Yes, sir.

Question. Do you examine them critically to ascertain whether they are barred by the statute of limitations?

Answer. We mean to examine that point thoroughly, and we do; and when an item is over six years' standing, we report it.

Question. Do you find cases where the statute of limitations might have been pleaded, and was not?

Answer. That I cannot say. That does not come under my jurisdiction. All I do is to examine the claims they make up on the entries, and if they are barred by the statute of limitations, it so says.

Question. You have no data in your office to determine that?

Answer. We have not.

Question. Then all you can examine into is the accuracy of the figures?

Answer. That is all; but I do examine the protests.

Question. Who makes up the cases that come before you?

Answer. They are generally made up by the refunding clerk in another department.

Question. Does the auditor make up any of the cases?

Answer. No, sir.

Question. Have you ever known of his making up any?

Answer. No, sir; but I cannot always tell who does the work, except by judging from the handwriting sometimes. There are some cases which I think the auditor's son made up. They are generally made up by the refunding clerk of that department. They are then checked by Runkle before they are checked by myself. I am the last one that checks an entry before it goes to Washington. I check it last because I examine the calculations which are made.

Question. Do you recollect the case of Theodore Dehone?

Answer. I recollect that that case was made up.

Question. Has it been paid?

Answer. I believe it has.

Question. Do you recollect any other similar case, involving the same principle, which has not been settled?

Answer. I do not. I think most of the railroad iron cases have been settled. I can tell by consulting my books.

NEW YORK, *September 22, 1864.*

HENRY MERRILL recalled.

By Mr. Rollins:

Question. What papers are these you bring before the committee?

Answer. One is the case of Theodore Dehone, for the recovery of excessive duty charged on railroad iron. The money was refunded in 1863. The others are the papers in the case of the Toledo, Logansport, and Burlington railroad; being a similar case, which remains unpaid.

Question. Why has payment been made in the one case and not in the other?

Answer. I cannot say.

Question. Where were those cases made up?

Answer. In the auditor's department by the refunding clerk, and examined by me. They are submitted to the auditor for his signature before I check and send them to the naval officer.

Question. Do you know why the papers are not made up in the Toledo case?

Answer. I do not.

Question. Does anything depend, in these instances, upon what is termed prospective protests?

Answer. They are all made up upon prospective protests.

Question. To your knowledge has there ever been any objection made to making up any cases in consequence of the particular person who managed them?

Answer. Not, so far as I know.

Question. Have you ever heard from Ogden or Runkle any objection to certifying in cases properly brought before them?

Answer. If they have not certified them they have given their reasons for not doing so.

Question. Do you specially know of any cases of Mr. Griswold which they refused to certify to on the ground that the protests were prospective, or on any other ground?

Answer. No, sir; I never heard any objection of that kind made; but if there had been any I should not have heard it.

Question. These statements made up in the auditor's office come into your hands?

Answer. Yes, sir; all of them.

Question. Do you know the handwriting of the clerk who makes them up?

Answer. Yes, sir.

Question. And you know Mr. Ogden's handwriting?

Answer. I know Mr. Ogden's check, which is "Og."

Question. Has any case come down to you in Mr. Ogden's handwriting?

Answer. No, sir; but I have known two or three in the handwriting of his son.

Question. How recently did they come to you?

Answer. During the last year.

Question. Was there anything peculiar about any of those cases?

Answer. Nothing whatever. The questions involved in them had been settled at Washington, and they were not cases in which any questions could arise.

MARCH 1, 1865.

GEORGE P. NELSON called, sworn, and examined.

By the chairman :

Question. Where do you reside?

Answer. In Westchester county, New York?

Question. Where do you do business?

Answer. In New York city.

Question. What is your business?

Answer. I am a lawyer.

Question. Do you know anything in relation to the so-called Minnesota Mining Company, in which one General Hugh W. Mercer, a rebel general, had some stock, which was confiscated?

Answer. I have some knowledge of it.

Question. State what you know in reference to it.

Answer. Some two years ago, I think it was, I was informed by a person interested in the Minnesota Mining Company, and also, I think, in the Superior Mining Company; also in the Rockland Mining Company, and, my impression is, in the Quincy Mining Company, that Hugh W. Mercer, a general in the rebel service, was the owner of a large amount of Minnesota stock, some 600 and odd shares, and a large number of shares of the stock in other companies, which he thought ought to be confiscated for the benefit of the government; that his situation was such that he did not care to be known, and he would like information given to the proper authorities so that the government would derive the benefit which would arise from the confiscation of that stock. I would say that this gentleman was a client of mine. I told him I would see the district attorney of the United States for the southern district of New York; that I did not desire to make anything out of giving such information. The day after receiving that information, I called upon the district attorney, Mr. E. Delafield Smith, at his office. I told him that Hugh W. Mercer, who was then a general in the rebel service, was the owner of some six hundred and odd shares of stock in the Minnesota Mining Company, and was the owner of a large number of shares in the Rockland Mining Company, and I think I also mentioned the Quincy company; that I thought that property ought to be confiscated; and that there were also dividends due upon the stock of the Minnesota Mining Company, which had not been called for; that, as I understood the informer was entitled to one-half, I could not and would not take anything in that shape; that I felt that all such property, belonging to such persons who were doing their utmost to overthrow the government, should inure entirely to the benefit of the government. He said to me it could not be done; that there was no law by which property of individuals could be confiscated. I told him I had understood differently; that an act was passed authorizing the confiscation of the property of rebels, persons guilty of such crimes as Mercer had been guilty of, and that it authorized the confiscation of it wherever it could be found. He said it could not be done. Not having the time and inclination to examine the question, I left without giving him any further notice in writing, which I had previously prepared.

Some time subsequent to that, I think some two months and possibly three,

this gentleman who had given me the information said to me, "I thought you were going to attend to that Mercer matter, and have the stock confiscated." I told him I had attended to it, and that Smith said it could not be confiscated. Said he, "It has been attached, and only two or three days ago."

Shortly after that conversation I called upon the district attorney again, and I wanted to know what it meant. He asked me what I knew about it. I told him it was the same stock and the same gentleman I had spoken to him about some time before, and that he told me it could not be done. Said he, "I do not recollect it." Said I, "You did." Said he, "My book, in which I make all entries of information of that kind, will tell." He took up his book, and then I learned for the first time that Benjamin F. Mudgett was the informer, and my name did not appear upon the book. He said to me, "I am governed entirely by the entries in my book; you should have secured yourself by giving me written information, with day and date. I have no recollection of it." I then said to him, "I came here stating at the time that I did not come in the light of an informer—that is, for the purpose of getting the benefit resulting from being an informer—but with a view of having that property confiscated, and as I supposed there was some eighty or a hundred thousand dollars in it, I proposed the government should get the whole benefit of it." I then left him, and had no words with him.

Subsequently I met Benjamin F. Mudgett; I had then learned that the informer would get half; I think the stock had been sold when I met Mudgett; says I, "Mudgett, you have made at least \$40,000 or \$50,000 out of that." "Oh, no," says he; "the truth is, Nelson, I had to divide it with the district attorney;" and I think he also said he had divided with or done something with the marshal, but of that I will not speak positively; so that he did not get, as he said, only somewhere from \$15,000 to \$18,000. I told Mudgett that I had communicated that information to Smith long before he did. He rather thought not. I then took out of my pocket a notice which I had prepared before I first went to Smith, and which I proposed to leave with Smith, which bore the date when I had seen Smith, and when I communicated to him personally and orally the information, and showed it to Mudgett. It showed that I had given the information to Smith some six weeks before Mudgett had ever heard of the matter.

Question. Why did you not leave that letter with Smith?

Answer. For the reason that he told me that the property of such individuals could not be confiscated.

Question. Is there not an act of 1861, and a subsequent and stronger one of 1862, by which confiscations are made?

Answer. I so understand it; up to the time I went to Smith I had not examined the matter.

NEW YORK, *October 20, 1864.*

WILLIAM FULLERTON, a witness, being duly sworn, testified as follows:

By Mr. Hulburd:

Question. What is your business?

Answer. I am a lawyer.

Question. Where do you reside?

Answer. At Newburg.

Question. Do you do business in this city?

Answer. Yes, sir.

Question. Were you counsel for the so-called Minnesota Mining Company some time ago?

Answer. Yes, sir; in 1863 I commenced being their counsel.

Question. Where was the stock of that company principally owned?

Answer. I think in the city of New York.

Question. Was any portion of it owned by rebels?

Answer. Yes, sir; so I learned.

Question. What proportion of it?

Answer. I cannot give the proportion; I learned professionally that certain persons owned a portion of the stock, and I could approximate to the amount.

Question. What is it?

Answer. General Mercer, and a man by the name of Anderson owned, some; I think Mercer owned six hundred and odd shares, and Anderson owned some, but the amount I do not remember; it was, however, a considerable number of shares.

Question. Has that stock been declared forfeited?

Answer. Mercer's has, and I think Anderson's was also.

Question. When?

Answer. In the summer of 1863 General Mercer's stock was declared forfeited, and was confiscated, sold, and the proceeds divided.

Question. What was it sold for per share?

Answer. In the neighborhood of eighty-four or eighty-five dollars a share, amounting in the gross to about \$60,000.

Question. What party did you represent?

Answer. The Minnesota Mining Company.

Question. Who was the informer?

Answer. Benjamin F. Mudgett.

Question. Do you know how the informer's share was distributed, and among whom?

Answer. In the summer of 1863 the Minnesota Mining Company employed me to look after its interest with reference to the confiscation of this stock that has been mentioned. Papers had been served upon them by the United States district attorney, and they had neglected to look after the matter, and, the first thing they knew, a demand was made upon them to transfer the stock. It occurred to them that they might ultimately be responsible to these people if the stock was transferred, and they then sought me as counsel. I looked into the matter, and told them that the transfer of the stock, according to the decree that had been drawn, was left voluntary with them, and was not compulsory, and it might be that in the end these people would deny being rebels, or, if rebels, they would claim the stock on the ground that the company were not justifiable in transferring it. The amount was pretty large, amounting, as we supposed at that time, to some eighty or ninety thousand dollars. I told them it would not do to conform to that decree in the way in which it was drawn, and that there was no safety to them except to apply to the court to open the decree and get it into another shape, so as to make whatever the company did obligatory upon them, in pursuance of a decree of the United States court, so that they could say that whatever they did was compulsory according to the law of the United States. I called to see the United States district attorney, and had a great many interviews with him upon the subject. At first he was unwilling to open the decree and put it into any different shape. I told him that then we should refuse to transfer the stock according to his decree; that he would be compelled to sell it, and that the purchaser must bring his action against the company to compel a transfer, and in that way I could put my clients in the attitude of an involuntary surrender of the stock. They threatened to sue out an attachment against the company. Mr. Smith asked me, after a great many interviews, and after the matter had waxed pretty warm, what objection I had; if I wanted to protect rebels. I said "No; but the company." I told him we were willing the stock should be confiscated, and the proceeds go to the government if they were rebels, but that we were entirely unwilling to maintain an attitude in the matter of having voluntarily surrendered the stock, or of having anything to do with

the proceedings ; that, rebels as they were, the company owed them the duty of protecting their property so far as it was in their power to do so legitimately. He asked me if I could draw a set of papers, or suggest how they could be drawn, which would protect the company. I told him I could. Mr. Smith, upon reflection and consultation with his associates, came to the conclusion that a confiscation in the way I suggested would be all that they wanted, and, if satisfactory to the company which I represented, he would have no objection. I was then requested to put into shape the form of a decree which, I believed, would protect my clients. The Minnesota Mining Company then had a meeting, at which I explained all this matter. I had met them a number of times ; they observed that I had given a great deal of my attention to the business, and they said to me at the close of one of the meetings, "Mr. Fullerton, how are you to get your pay for your services here ?" I said, "From my clients, as a matter of course, as lawyers usually do." They said, "This is involving us in a great deal of expense, then." They said they were only stakeholders of this property, and had no actual interest in it, and it did not seem right that they should expend their money in protecting themselves ; that the compensation of their counsel ought to come out of the fund raised by the sale of the stock. I replied that it made no difference to me where the compensation came from. They then observed to me that they understood that there was a system, among the judges here, of allowances out of the fund in such cases. I said that that had obtained only in the State courts, and not in the United States courts. They did not see why it could not be done in the United States courts, and requested me to see the court to know whether, under the circumstances, they having no interest in this controversy, the compensation of their counsel could not come out of the fund in some way. I said, "Gentlemen, I do not think it can be done, but at the same time I will suggest it." In my next interview with Smith I told him what had transpired, and that they thought their lawyer's fee ought to come out of this fund ; I mean the fund created by the sale of the stock after it was confiscated. Mr. Smith said it did seem hard that the company should pay out their own money where they had no interest in the proceeds of the stock. Says he, "I cannot agree to pay you anything on the part of the government, as a matter of course." I said, "I do not see how it can be done myself, but I promised my client to suggest it," and I wished him to tell me if there was any way. "Perhaps," said he, "the informer in this case, if you get up the papers in a way satisfactory to the company, so that this stock can be confiscated without all this litigation which is now threatened, would be willing to pay you out of his share. Go and see Mudgett, and propose the thing to him." I said "No, I will not see Mudgett; if you see fit to propose it to him, you may do so, and if you see fit to make any arrangement with him, you must be responsible for it; I will not." He reported to me afterwards that he had seen Mudgett, and, at his solicitation, Mudgett had consented to give me five per cent. of whatever the stock brought—the stock was then falling. So it was agreed that the Minnesota Mining Company's counsel should receive five per cent. out of Mr. Mudgett's share, as his counsel fee. I then proceeded to draw the papers. This was the pioneer case—the first one that went through our courts, and lawyers were at sea as to how to proceed. I drew the papers, and submitted them to Smith and to Judge Betts, who pronounced them right; and they have been the guide in all cases from that time to this. The property was sold, and I received five per cent. as my compensation. That amounted to twenty-nine hundred and odd dollars. That would leave the informer's share nearly \$30,000. The informer made this arrangement. The stock at that time had fallen below its real value. Mr. Mudgett preferred to take the stock rather than have it sold and take the money, and, I believe, did take a portion of his interest in the stock of the company, at the rate at which it sold. That was all right. The government interest was sold at the highest market value, and a portion of his interest

was taken in stock. Now, then, Alexander Fullerton—no relation of mine, but connected with the Minnesota Mining Company—claimed that he disclosed the fact to Mudgett that this stock belonged to a rebel, and was in a condition to be confiscated, and that Mudgett had agreed with him to go on and see to its confiscation, and divide with him, all of which Mudgett denied. A controversy grew up, and Alexander Fullerton applied to me to institute legal proceedings to recover his interest, but I declined in consequence of the connexion I had had with the affair. He applied to other lawyers, and a bill was filed, and I believe the district attorney and one of his associates, Mr. Ethan Allen, were made parties to that action, alleging that they had an interest in the confiscation, and owned a part of the stock. That suit, I understood, was settled, and the matter made satisfactory in some way. I never had any intercourse with Mudgett upon this subject, but I did have with Smith and Allen. They told me that Mudgett, in consideration of Allen's having conducted all these proceedings, made him a present of a certain number of shares of stock after the thing was over. He spoke of that thing openly and without disguise. There was no secret about it, and it was voluntary upon the part of Mudgett.

Question. Do you know the amount in value that Mudgett presented to Allen?

Answer. I do not know now, but I have no doubt I did know once. I ought to add that Smith said it was a present to Mr. Allen, and that he had no interest in it.

NEW YORK, *October 20, 1864.*

BENJAMIN F. MUDGETT, a witness, being duly sworn, testified as follows :

By Mr. Hulburd :

Question. Do you know anything of the so-called Minnesota Mining Company, and of the interest of Hugh W. Mercer, of Georgia, therein?

Answer. I do.

Question. State what you know of the matter?

Answer. Two years ago this winter I boarded at a house on Fifth Avenue where there were several others boarding, most of whom were democrats, men who did not sympathize with my political views. John C. Mather boarded there. One morning we were discussing the confiscation laws, and I vindicated them. A man by the name of Fullerton, a clerk of that company, was boarding at the same house, and sat at the same table. He stated that our confiscation laws were good for nothing, and were not enforced; he said that Hugh W. Mercer, a rebel general, owned some seven hundred shares of the stock of that company, and some of the dividends which had been declared. I heard what he had to say, got up from the breakfast-table, went down to Chambers street, and went into the United States district attorney's office; I did not find the district attorney in. I went into the supreme court, and found the assistant district attorney, Mr. Allen. I told him that Hugh W. Mercer owned this stock, and told him I thought it ought to be confiscated. I asked him if the informer got anything out of it; he said he did not, and I did not know anything about it. I made out a statement of what it was, and my information about it; that this Mercer owned the stock; that he was using all his influence against, and was an enemy to, the government. I put it all into a statement, and sent it up to the district attorney, by a messenger of the custom-house. It was some time before I got proceedings started; I went in and helped it along, and overlooked the drawing up of the libel against the property. No one appeared in defence, and, after advertisement, a decree of confiscation was entered. The libel proceeded against the property both under the statute of 1861 and that of 1862; the first statute gave one-half to the informer. As no one appeared, a decree was entered *pro*

confesso, according to the rules of the court. Judge Betts directed, by decree in court, that the shares should be confiscated, and one-half paid to the government and one-half to the informer; that was the first intimation that I should probably make anything out of it. A day or two afterwards I met the assistant district attorney, and was informed that they wanted to see me at the office; I went into the office and had some talk first with Mr. Allen, and they thought I should be liberal about the matter. I told them I was willing to be liberal so far as I was concerned; that I never had expected to get anything out of the matter. I told Allen if it was put through in good shape, and one-half was decreed to me, I was willing to give them \$5,000, which was sufficient to make them active in the matter. I was told that proposition would not be entertained; that that was not enough. I asked them what would be enough, and they thought they ought to have one-half. I had that conversation with Allen; Smith was not then present. I then left. Afterwards Smith wanted to see me before anything further was done, and he requested me to make a written agreement to pay Allen, acting as attorney for me in getting this thing through, one-half of my share. Well, as I regarded the whole thing as in the hands of the district attorney, and of course neither the government nor I could make anything out of it unless he was disposed to prosecute it, I signed an agreement to that effect, and carried it out, giving them one-half.

Question. What was the amount?

Answer. The amount belonging to the informer was about \$29,000 after deducting all expenses.

Question. And you paid them \$14,000?

Answer. Yes, sir.

Question. To whom was it paid?

Answer. I bid off one-half the stock, at auction, at eighty-five dollars a share. I bid off 813 shares, and then put up the money with the clerk and took the shares. I gave them one-half the shares, and, as I understood at the time, Smith took one-half and Allen one-half.

Question. To whom did you pay it?

Answer. Both of them were present; that was the exact state of the case.

Question. Did not the district attorney, or his office, receive costs for conducting that suit?

Answer. Yes, sir; two and a half per cent. was decreed to them upon the gross amount, and the sum I have mentioned was what remained after the district attorney's costs and all other expenses were taken out.

Question. Were not costs for drawing up the papers, and counsel fees, paid to them?

Answer. The regular taxed costs of the district attorney and marshal, and every other expense, were taken out before the division was made. There was also paid out of the one-half, before the division was made, the counsel fee of the attorney of the company. He received a large counsel fee. If the court was right, I was entitled to the whole of that amount. After we got the thing pretty nearly through, there were one or two other matters of the same character in which I declined to make any division with him. Smith wanted me to send Allen a note stating that I cheerfully gave him one-half of that money; I did so because I agreed to do it.

Question. This was done before the thing was brought to trial, was it?

Answer. The agreement was made after default was entered, but before any formal decree of condemnation was entered. The reason why I consented to do it was, that I knew it was in the power of the district attorney to condemn the property under either statute—the statute of 1862 or of 1861; and under the statute of 1862 I could see no authority for decreeing any portion of it to the informer.

Question. Where would it have gone?

Answer. To the support of the army; as there was a default and no appearance entered, it was correct to condemn it under either. The idea struck me, though there was no intimation that they would do anything of the kind, if I went in and made a fight with the district attorney before the court, the property might be condemned under that statute of 1862, which gave no part to the informer, as I could see.

Question. It could have been condemned under either?

Answer. It could; and I was afraid it might be condemned under the statute of 1862.

Question. Did you have any intimation that that would be done?

Answer. No intimation was made to me about what they would do, but this matter was presented to me as a sort of claim, as I understood.

Question. Was there any delay or any hitch in the prosecution of the matter?

Answer. No, sir; I do not know that there was. But of course I should not have given away \$14,000 which I thought belonged to me, unless I thought it was for my interest to do so.

Question. I understand there were two or three other similar transactions subsequently, in which you declined to make this same arrangement.

Answer. Yes, sir; there were one or two similar matters which did not amount to much—three or four thousand dollars. In that case I got up testimony at considerable trouble, testimony of refugees whom I hunted up. I paid out to one man a thousand dollars to hunt a fellow up and bring him here.

Question. Were these subsequent matters controlled by the same principle; that is, could they be brought under the operation of either statute?

Answer. I suppose they could. That was the view I took of it. I thought it was within the power of the district attorney to take either course. It appeared to me that it was a dangerous power if it was exercised, but it was not intimated to me that it would be. I know several decrees were entered by Judge Betts in the same way, in cases where I had no reason to suppose that any such claim was made by the district attorney. I have no reason to say that Smith would have taken any other course than he did take in the matter.

NEW YORK, *October 21, 1864.*

ETHAN ALLEN, being recalled, testified as follows:

By Mr. Hulburd:

Question. Have you any knowledge of what is known as the Minnesota mining case?

Answer. Yes, sir. Mr. Mudgett became the informer against some stock in a Minnesota mining company belonging to the rebel General Mercer, and asked for its condemnation. We proceeded in a suit to condemn this stock, and it was condemned. There was paid to Mr. Mudgett in stock—he took his pay in stock—twenty-five thousand dollars, or more. Mr. Mudgett said to me, “This has cost me no trouble; I want to make you a present out of this.” I replied that that was a matter about which I must refer him to Mr. Smith, the district attorney. He spoke to Mr. Smith—I think it was the next morning. He said he wanted to make me a present of one-half of what he had received. Mr. Smith subsequently spoke to me about it, and said that inasmuch as the interest of the government and the interest of the informer were identical, and inasmuch as the government received all that the decree directed, and as this was the personal and private property of the informer, he saw no objection to it, but that he would ask others. He afterwards told me that he had spoken to Mr. William M. Evarts about it, and that Mr. Evarts said there could not for a moment be any question as to the right to receive it if this man chose to give it as a voluntary thing. Mr. Smith also subsequently spoke to the attorney general about the matter, and the attorney general said, as Smith reported to,

me, he was surprised that he should ask him such a question. Mr. Mudgett thereupon gave me one-half of his share of these proceeds, of which one-half I gave one-half to Mr. Smith. Subsequent to this, and after the suit was decided, one of the clerks in the office of the mining company said that he was interested as part informer, and wanted a share of the proceeds. I simply said to him, "the law permitted us to recognize nobody but the informer and the government of the United States; we cannot recognize you, of course." He then said that this was a private contract between him and Mudgett, and he would sue Mudgett to recover the stock. So he brought a suit against Mudgett, Smith and myself, as holders of the stock, to recover what he alleged to be his interest in it. So urgent was Mr. Mudgett, and strong in his protestations that the man knew nothing about it, and that it was a mere game upon his part to get something or nothing, that we were prepared to defend the suit in court, and were going to do it. But before the day came for putting in our own answer, Mr. Smith had an interview with the attorney of the clerk of the Minnesota Mining Company, who brought the suit. I think I was present. The result of that interview was that while Mr. Smith and myself both decided that as a matter of law the clerk could not recover a cent, still, as a matter of equity, we believed from the statements made there that the man had been deceived by Mr. Mudgett, and probably had been the first party who gave the information, and we came to the conclusion that he was fairly entitled to a portion. While Mr. Mudgett said he would not give him a cent, Mr. Smith and myself told him we would give him one-third of what we received, and we did so. The stock was subsequently sold, and I think the remainder I had realized me about four thousand dollars.

Question. In what stage of the suit was this proposition of Mudgett's made, and did it in any way expedite the business, or change the suit in any way?

Answer. In no way whatever did it expedite the business, nor in any way whatever change the course or result of the suit.

NEW YORK, *October 26, 1864.*

ETHAN ALLEN, being recalled, testified as follows:

By Mr. Hulburd:

Question. You stated on your former examination that a letter was written to you by Mr. Mudgett in reference to the money recovered in the Minnesota mining case. Have you that letter?

Answer. I have the letter here, and submit the following copy:

"CUSTOM-HOUSE, NEW YORK, COLLECTOR'S OFFICE,

"August 3, 1863.

"SIR: As a token of the satisfaction by me as informer in the matter of United States against certain shares of the Minnesota Mining Company, belonging to the rebel General Hugh W. Mercer, conducted by you so far as my interest was concerned, I have directed to be delivered to you one-half that shall be awarded to me as informer, which I do cheerfully and voluntarily; and, besides, please accept my thanks, which are hereby extended to you and the district attorney for your united energy and promptness in this matter, and by which you have rendered a faithful service to the government.

"Yours truly,

"B. F. MUDGETT.

"ETHAN ALLEN, Esq."

In this relation I desire to present in evidence docket "A," being the register of the United States district attorney in confiscation cases. This Minnesota case will be found recorded on page one, being the first confiscation case in-

stituted since the dismissal of a large number of such cases in the fall of 1861, which dismissal was made under instructions from the government at Washington. By the entries in the docket in relation to this case it appears that the information was filed in May, 1863. The seizure was made on the 5th of June, 1863. The process was returnable on the 23d of June, and the stock was condemned on that day. A decree of condemnation and sale was then directed by the court. Some difficulty was experienced at this juncture, and for some time afterwards, in obtaining a proper transfer of the stock from the company, and this was not effected until Mr. William Fullerton, the counsel of the Minnesota Mining Company, was consulted. Mr. Fullerton made an amendment to the form of the proposed decree of condemnation, and performed valuable service in the matter, for which, with the knowledge and approbation of the company, he sought compensation from the fund. The district attorney declined to allow any such compensation from the share of the government, and then Mr. Fullerton arranged for his compensation from the share of the informer. This the directors of the company were understood to approve.

On the 7th of July a decree of condemnation and sale was actually signed and entered, and on the 30th of July a decree, amended in form by Mr. Fullerton, was entered by the court, upon the application of the district attorney. On the 18th of August, in the same year, (1863,) distribution was made by the clerk of the court, so the record says, though I have been under the impression that the distribution was made on the 11th of August.

It will occur to the committee that Mr. Mudgett must either have been generous, or must have had some motive in making this present to me. I never knew, from anything he ever said or intimated, what that motive could be; but I imagined that as Mr. Mudgett was a man of some political aspirations he might have desired to do a generous thing towards myself with a view to our political friendship in the future. This is a mere speculation of mine; though it is quite possible, in view of our present relations, Mr. Mudgett made the present without any object except the pleasure of making it.

Question. A suggestion has been made to the committee that in the confiscation case of W. W. Hunter, of the rebel navy, owner of stock in the Maysville and Lexington railroad, of Kentucky, in which the proceeds amounted \$6,862 50, the marshal's costs were \$165 99, the district attorney's fees 495, and the fees of the clerk of the court \$139 88, and that these costs were very exorbitant. Can you give any explanation of that matter to the committee?

Answer. I am very much obliged to the committee for calling my attention to that case. I have three remarks to make in regard to that case, in answer to your question: First, the case involved great trouble and labor. I attended to it personally. It required some fifteen or twenty visits to the officers and agents of the company, the stock of which was condemned. It was with great difficulty that the situation of the stock was ferreted out, and with great additional difficulty that any transfer of it could be obtained. Much vexation and labor was met with in relation to the sale and in realizing the proceeds. The costs of the marshal and clerk were fixed by law, and, I think, in the long course of proceedings which resulted in realizing the proceeds, they fully earned their compensation; but whether they did or not, their gross annual compensation is limited by law. Secondly, with regard to the district attorney's compensation, that was certified to by the court, in the exercise of its discretion. Judge Betts required proof of exactly what had been done, and upon receiving that proof he stated that he thought that the amount taxed by him was just, without reference to the amount of proceeds realized, and that he would not have given more if the proceeds had amounted to a hundred thousand dollars. Thirdly, the matter was of no interest whatever to the district attorney or to his assistants. The costs, fees, and compensation in confiscation cases are accounted for by the district attorney to the Secretary of the Interior and

the Comptroller, under oath, and are also reported by the clerk of the court to the accounting officers of the treasury. The district attorney uses these costs and fees to pay the salaries and expenses of his office, as fixed and allowed by the Secretary of the Interior and the accounting officers. To the extent of those fees and costs, therefore, the treasury of the United States is saved drafts for those salaries, expenses, and fees.

NEW YORK, *October 24, 1864.*

ELIAS D. OGDEN, a witness, being duly sworn, testified as follows :

By Mr. Hulburd :

Question. Are you connected with the custom-house ?

Answer. Yes, sir.

Question. How long have you been ?

Answer. Nearly thirty years.

Question. In what capacity ?

Answer. For the last twenty-five years as entry clerk. I am now chief clerk of that division.

Question. What are your duties ?

Answer. To assess the proper rate of duty upon all merchandise coming before me, to superintend and overlook the entry clerks, to see that they do their duty, to superintend the bond clerks, amendment clerks, &c.

Question. The 352d section of the general regulations of the Treasury Department, adopted February 1, 1857, reads as follows: "The duty of examining the extensions and computations of invoices will hereafter, at ports where there are appraisers, be performed in the appraiser's department, to which the clerks now so employed in the collector's office, if any, will be transferred." Is that duty done in your office ?

Answer. No, sir; not the examination of extensions. The invoice, when first before our division, is brought by a merchant, who makes his entry, and says here are so many goods which pay such and such a rate of duty, and the entry clerk examines it to see if it is correct; and if correct, pass it; then it goes to the naval office and is examined to see if the entry clerk is right in his examination; if it is so, it is checked.

Question. What does the entry clerk in your office do ?

Answer. He merely examines the invoice to see if it is correct by the entry, and to see if the consular certificate is correct.

Question. Does he examine the extensions ?

Answer. No, sir; that is done afterwards. After the invoice has been passed by the entry clerk it goes to the amendment desk.

Question. Does the amendment clerk examine the computations and see whether the addition is correct or not, or does he do anything more than examine matters of formality ?

Answer. He does not go into the minutiae of the matter; it would be impossible for him to get through his business if he did.

Question. Where is that duty performed ?

Answer. It is, or should be, performed by the amendment clerk in my division, after the papers have passed through the appraiser's hands and been returned by them. After an entry is passed by the entry clerk and has been to the appraiser, and an examination made, the duty of the entry desk is to examine critically and see if we have the correct duty on the goods. All these things come under my supervision.

Question. I understand you to say you know nothing about an examination being made of the extensions and computations of the invoices ?

Answer. Only so far as it may be done by the amendment clerk.

Question. Is the amendment clerk in your bureau ?

Answer. Yes, sir; as also the entry clerk and the bond clerk.

Question. Suppose errors are discovered, are they reported to you?

Answer. Yes, sir; it is the duty of the clerks to do so; and it is my duty, if I think there is anything wrong, to submit it to the collector.

Question. Are there errors committed?

Answer. Sometimes errors in calculation occur, sometimes in quantity, and sometimes in value.

NEW YORK, *October 24, 1864.*

EDMOND M. EVANS, being recalled, testified as follows:

By Mr. Hulburd:

Question. Do you know who examines the extensions and computations of invoices?

Answer. A portion of the work is done in our department, and certain classes of invoices are examined there.

Question. Who does it?

Answer. A gentleman by the name of Barrett is the only one now employed upon that business. There are four clerks who liquidate entries. Our work is divided into different classes, and there are three clerks who liquidate weight, measure, and gauge invoices, and two others who liquidate invoices which contain no goods calculated by weight, measure, or gauge.

Question. Does any of this business come directly to your own desk?

Answer. No, sir; our duties are to examine and compare the invoices with the entries and with the appraiser's report of the goods as to what the goods are, to look at the additions and extensions of the invoices, and to reduce their currency into United States money.

Question. In what currency do the merchants make out their invoices?

Answer. The merchant makes out his entry from his invoice, in the currency of the country from which the goods come; and it is the business of the entry clerks to reduce that currency to our dollars, and that reduction is supervised by the amendment clerk. Certain invoices go to the amendment desk to be liquidated there; for instance, an invoice of dry goods, where there are square yards to be made out.

Question. Suppose there are no alterations?

Answer. Then they come to us for examination.

Question. Who examines them there?

Answer. Mr. Barrett.

Question. Who examined them before Mr. Barrett came there?

Answer. Mr. Scarlett, now removed, and Mr. Mason, who was transferred to an entry clerkship. The invoices I have been speaking of are invoices made directly for consumption, and do not comprise warehouse invoices at all. We have nothing to do with those.

NEW YORK, *October 24, 1864.*

ALFRED H. PRATT, a witness, being duly sworn, testified as follows:

By Mr. Hulburd:

Question. How long have you been connected with the custom-house?

Answer. Nearly three years.

Question. In what capacity?

Answer. At the amendment desk.

Question. What are your duties there?

Answer. To make up entries, to take the invoices or entries as they come from the appraisers, and amend them.

Question. What does that amendment consist in?

Answer. Either in an increase of duties to the government or in making up a statement of refund where the deposit by the merchant is in excess of such duties. Then, we have also to liquidate the entries.

Question. What do you mean by "liquidation?"

Answer. It is passing an entry precisely as it is presented to the office, without amendment or change.

NEW YORK, *October 24, 1864.*

CHARLES STETSON, a witness, being duly sworn, testified as follows :

By Mr. Hulburd :

Question. Are you attached to the custom-house ?

Answer. Yes, sir.

Question. How long have you been ?

Answer. Two and a half years.

Question. In what capacity ?

Answer. As amendment clerk.

Question. What are your duties ?

Answer. Computing the duties on the entries as they are presented.

Question. It is to compute the duties and write them down ?

Answer. Yes, sir ; to place the result of my investigations upon the entries.

Question. Previous to doing that, is it your duty to examine the extensions of the articles to see whether they are correct ?

Answer. I never did that.

Question. Who does do it ?

Answer. I do not believe anybody does it.

Question. If you do not do that, how do you know that the amount of duty is put upon the precise amount of goods contained in that invoice ?

Answer. I suppose that business is done by somebody, but I do not know by whom. Last Saturday I received an invoice on which there was evidence that somebody had been over that work, for the reason that there was an extension of watches carried out at 840 odd francs, when it should have been about 500 francs, and a rebatement of duty was made of about thirteen dollars. Somebody had looked over that invoice. Whether the owner had looked up the error, and suggested it to the appraiser, I do not know. There was an indorsement in red ink, "refund for excess of francs in extension."

Question. At the time the entry is laid upon your desk, whose official indorsement has it received—that is, what previous desks has it been to ?

Answer. To the entry clerk, from whom it passed to the appraisers, whose names appear upon it.

Question. What desk should examine to see whether the extensions of the invoice are correct ?

Answer. It is not for me to say which should and which should not. I examine at my desk the additions of the different extensions, to see whether they are correct ; and also the reductions from the various foreign currencies to our own, to see whether they are correct.

NEW YORK, *October 24, 1864.*

ISAAC PHILLIPS, a witness, recalled, testified as follows :

By Mr. Hulburd :

Question. Where are the extensions of the goods on an invoice and entry, and the computations made on those extensions, examined ?

Answer. There is or was a certain number of clerks detailed for that specific duty. They were formerly in our building, but they were taken from there and sent to the collector's office, where I suppose they are now.

Question. Is any such examination now made at the appraiser's office ?

Answer. No, sir.

Question. Have you any clerk or bureau whose business it is to examine those extensions or additions?

Answer. None now; they were taken from our building and transferred to the collector's office.

Question. The 352d section of the General Regulations of the Treasury Department, dated February 1, 1857, is as follows:

"The duty of examining the extensions and computations of invoices will hereafter, at ports where there are appraisers, be performed in the appraiser's department, to which the clerks now employed in the collector's office, if any, will be transferred."

Are those clerks in the appraiser's office now?

Answer. No, sir.

Question. When were they removed, and on whose order?

Answer. On the order of the Secretary of the Treasury. Under the 352d section of the treasury regulations of the 1st of February, 1857, the duty of examining the extension of invoices was performed by six clerks of the appraiser's department up to the 1st of July, 1857. At that time Collector Schell received from the Secretary of the Treasury a letter, dated July 1, 1857, from which I extract the following:

"In order to carry into effect the new regulations designed to facilitate the transaction of business in your office and that of the appraiser, the six clerks now employed in the appraiser's department in examining the extension of invoices will be at once transferred to the liquidating corps in your office."

The transfer of those six clerks took place immediately; that is, they were sent to the collector's office, to continue, as we supposed, the same duty they had been performing in the appraiser's office, and which, until yesterday afternoon, I supposed they, or their successors, were continuing to do.

Question. Do you know whether they are performing that duty now?

Answer. On information and belief, they are not. I met one of those six clerks, Cornell, this morning, and asked him under what circumstances he left the department after being transferred from us. He told me after they were transferred from the appraiser's office they were engaged in the custom-house, and were engaged up to the summer or fall of 1860 in the examination of the extension of invoices; that at that time there was an order from the department to reduce the number of employes, and that his associates, with the exception of himself, were removed under that order, and that up to January, 1861, he continued the examination of those extensions alone. At that time, January, 1861, he left the department, and, as he says, the business ceased. Until yesterday afternoon I supposed that the examination was going on, as a very important and necessary proceeding for the protection of the revenue.

NEW YORK, *October 25, 1864.*

EDMOND M. EVANS, being recalled, testified as follows:

By Mr. Hulburd:

Question. Do you know whether the extensions on merchants' invoices presented at the custom-house are examined?

Answer. That is my belief; I know they are to a certain extent; I do not do it myself.

Question. Who does it?

Answer. Mr. Barrett does the greater portion of it.

Question. Do you know of any one else being connected with him in doing it?

Answer. There are four clerks on liquidating entries. In liquidating entries, the examination is made.

Question. What examination?

Answer. An examination of the invoices.

Question. What does that examination consist of?

Answer. I ought to say that since I was before you last, I have made some inquiries as to what is positively done, and I find that there is not so critical an examination made of the invoices as I had supposed. There is nothing more than a general and careful examination made of the invoices, with a view to discover any errors there may be.

Question. Suppose there is an error in the extension of the yards or awns of a piece of goods, and it is carried out so; is there, to your knowledge or belief, any system of examination in your bureau, or in any other, which must necessarily detect that error?

Answer. There is not in our bureau.

Question. Is there in any other bureau?

Answer. I cannot say; the other bureau is not connected with our department, and I do not know what is done there.

Question. What do you know in reference to the transfer from the United States appraiser's department, to the liquidating corps at the custom-house, of clerks charged with the duty of examining the extensions and computation of invoices? Do you know whether there are any such clerks now, and whether that duty is performed now?

Answer. My recollection is, that there was a board of examiners of invoices in the liquidating department; I do not remember exactly when, but my impression is, it was four or five years ago, and that they were discontinued in whole or in part. The special and minute examination of invoices was discontinued. My recollection is, that out of that board, and with a view to some examination of the invoices, and some guard against error and fraud, grew up the desk now occupied by Mr. Barrett, and that the work was continued in that way.

Question. Have you any positive knowledge?

Answer. No, sir; my only positive knowledge of the matter is, that there was such a board, and that it was discontinued. I would therefore qualify the statement made on my former examination, and say that there is a general examination of invoices with a view to discover any errors, but not a critical or minute examination. There is an examination made.

Question. How many are employed upon that examination?

Answer. There have been five; there are now four.

Question. How are they classed at the custom-house?

Answer. They are known as liquidating clerks. I may state, properly perhaps in this connexion, that in the examination made of invoices, as I am told, and as I believe, we have discovered errors to the extent, perhaps, of two thousand dollars a month against the government.

Question. Of what do those errors consist?

Answer. I cannot speak positively, but some in additions, and I think probably some in extensions, and some in the reduction from one currency to another.

Question. What becomes of the invoices of dry goods which do not go to Mr. Barrett's desk?

Answer. They go to the amendment desk.

Question. Who distributes them?

Answer. I do not know positively; they come from the appraiser directly to the invoice department, and are distributed from there.

NEW YORK, *October 17, 1864.*

WILLIAM E. BARRETT, a witness, being duly sworn, testified as follows:

By Mr. Hulburd:

Question. Are you connected with the New York custom-house?

Answer. Yes, sir.

Question. In what capacity?

Answer. I am clerk in the liquidating department.

Question. How long have you been there?

Answer. I have been two or three years in the custom-house, and in my present position about two months.

Question. Where were you before employed?

Answer. In the import department—a division of the auditor's department.

Question. As liquidating clerk will you tell the committee what your duty is in connexion with the invoices?

Answer. The entires and the invoices come to me together; I compare the entries with the invoices; usually examine the footings of the invoices and see that the footings are correct; I see that the reductions of currency have been correctly made; and I see that the right duties have been put upon the different classes of goods. This last is quite an important item, and that is where I discover more errors probably than in anything else.

Question. How many invoices can you pass a day?

Answer. The number varies very much—sometimes not more than twelve or fifteen, and sometimes as many as fifty, sixty, or seventy. Many invoices are very simple, and comprise only one class of articles.

Question. Do I understand you to say that you examine the correctness of the additions by running up the columns?

Answer. I cannot say that I do in every instance, but I do in most instances.

Question. Does every invoice that passes the custom-house come to your desk?

Answer. No, sir.

Question. Are there others associated with you?

Answer. There are other liquidating clerks who have a different class of entries. The entries are classed, and a certain class come to me.

Question. What class comes to you?

Answer. Principally dry goods entries; entries of goods which are not weighed, measured, or gauged. Goods weighed, measured, or gauged, go to the other liquidating clerks, as I understand.

Question. Do all the invoices of dry goods entered at the custom-house come to your desk?

Answer. They do not.

Question. Who indicates what shall come to your desk to be passed upon?

Answer. That I cannot answer directly.

Question. From whom do you receive the invoices?

Answer. They come, I think, from the statistical bureau to our department, and are there assorted, I suppose, under the direction of Mr. Evans, and distributed to the liquidating clerks. But I may not be correct in this.

Question. Where do the other dry goods invoices go to which do not come to you?

Answer. Many of them go directly to the amendment desk; that is, of all dry goods upon which deposits have been made in lieu of the actual amount of duties.

Question. Is it any part of your duty to examine particularly the extension of these invoices?

Answer. I have not been aware that it was my duty to make those examinations.

Question. To your knowledge is that duty performed anywhere?

Answer. It is not to my knowledge.

Question. What check is there upon errors or frauds in that respect in the invoice?

Answer. I do not know of any. I have been but a short time there, and I had supposed that that examination was made in the appraisers' department before the papers came to my desk. I supposed it was my duty to compare the invoice with the entry to see if the entry was properly made; and still, as I said before, I give a general examination of the footings of the invoices.

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COMMISSIONER OF PATENTS.

MARCH 2, 1865.—Laid on the table and ordered to be printed.

Mr. HIGBY, from the special committee on charges against the Commissioner of Patents, made the following

REPORT.

The special committee appointed under the resolution of the House, passed on the 8th day of February last, to investigate certain charges of fraud and corruption in office, made by one Andrew Whitely against D. P. Holloway, Commissioner of Patents, have had the same under consideration, and after a full hearing of all the charges, by examination of the many witnesses called and the written testimony produced, are unanimous in their opinion that none of the charges preferred are sustained.

The committee, having closed their labors, ask to be discharged from the further consideration of the subject.

COMMISSIONERS OF PATENTS

March 2, 1900.—Read on the table and referred to the committee.

Mr. Hines, from the special committee on charges against the Commissioners of Patents, made the following

REPORT.

The special committee appointed under the resolution of the House passed on the 24th day of February last, to investigate certain charges of fraud and corruption in office made by one Andrew Whitney against J. P. Hollway, Commissioner of Patents, have had the same under consideration, and after a full hearing of all the charges by examination of the many witnesses called and the written testimony produced, are unanimous in their opinion that none of the charges preferred are sustained.

The committee, having closed their report, ask to be discharged from the further consideration of the subject.

AGRICULTURE AND COMMERCE WITH EASTERN ASIA.

MARCH 3, 1865.—Laid on the table and ordered to be printed.

Mr. WHALEY, from the Committee on Agriculture, made the following

REPORT.

Report of the Committee on Agriculture upon certain memorials from States and agricultural societies, relative to Surgeon Macgowan's proposed expedition for agricultural and commercial purposes to Cochin China, Cambodia and other portions of Eastern Asia and Madagascar.

Your committee having read the memorials and resolutions of the general assembly of the State of Rhode Island, of the house of representatives of the State of Massachusetts, the American Geographical and Statistical Society, the American Ethnographical Society, the American Institute, and the American Oriental Society, herewith subjoined, respectfully report that they are of opinion that the enterprise thus commended is one of great importance to the general industry of the entire country, but more particularly to our agricultural interests.

On reference to the memorials, it will be perceived that the project contemplates an industrial survey of the vast empire of China, its coterminous countries, and the large islands adjacent, Japan, Formosa, and others, to be made by a commission of scientific men and practical agriculturists, with a view to acquire information bearing upon arts and manufactures and the processes of agriculture there pursued, and to obtain and transmit seeds, plants, and animals, the cultivation and propagation of which is likely to add to the valuable product of our farms.

When the extent of country to be explored is considered, its varied productions and diversified soil and climate, it is obvious that there must be a large number of useful plants capable of being advantageously acclimated in one or other of the sections of our wide-spread territory. It may not be that plants as valuable as the gift of the west to the east, of the potato, or as that of the east to the west, of the sorghum, remain to be discovered, yet in the vast variety cultivated in Eastern Asia, whose flora is closely allied to our own, there cannot but be many, the introduction of which would contribute to increase the productions of our country.

In the transmission of seeds, animals, or manufactured products, it is of the greatest importance that full information should be communicated therewith. For example, if when we received the sorghum, an account had been sent respecting its mode of culture, the soils best adapted to it, and the mode of manufacturing sugar therefrom, an amount of money would have been saved that was lost in making *experiments* by our farmers, which would have defrayed the expense of the proposed expedition manifold.

The memorialists, therefore, concur in recommending that the projector of this plan, who, from his knowledge of the Chinese language, is well qualified to interrogate the farmers of the agricultural region and to translate from their agricultural books the information which our farmers need, in order to render

useful the additions proposed to be made to the products of their farms, be entrusted with the direction of the enterprise.

As a traveller, also, in those lands where he spent the best years of his life, Dr. Macgowan has become qualified for the undertaking, which indeed is one that could be conducted only by a person of his experience and information. He is now serving as a surgeon in the United States army, but proposes to return to the east and tender his services to his country in this new capacity, having already rendered public services in China as United States consul, and by his investigations and writings. Should the recommendation of your committee be carried out with regard to the proposed enterprise, we would join the memorialists in indicating the projector as the most suitable conductor of the undertaking.

With Cochin China, whence additions to the warmer portions of the Union might be derived, the United States has hitherto failed in the various attempts to negotiate a commercial treaty, but the late war between that empire and France, which led to the relinquishment of a considerable portion to France of the coast, resulted also in treaties with that power, and also with Spain, by which several ports have been opened for trade, and which it is desirable that our ships should be allowed to visit; that part of the plan, therefore, contemplates the negotiation of commercial treaties where practicable, while pursuing the industrial researches.

The labor to be performed is very great, requiring, to be done efficiently, the co-operation of several agents for a considerable period of time. The Horticultural Society, of England, required, merely for the collection of ornamental plants from a very limited portion of the Chinese coast, the services of an agent for three years.

Your committee, acknowledging the importance of such a mission, and conscious of the benefits that might accrue from its proper execution, hereby recommend the appointment, by the Secretary of State, of a commercial and industrial agent, under such instructions, tending to the accomplishment of the above-named objects, as, in the judgment of the Secretary, may seem wisest and most efficient. Your committee, in view of the present condition of public affairs, feel compelled to confine their recommendation to this simple proposition.

Memorials from States and Agricultural Societies, relative to Surgeon Macgowan's proposed expedition for agricultural and commercial purposes to Cochin China, Cambodia, and other portions of Eastern Asia and Madagascar. Presented to the House by Mr. Brooks, of New York. Presented to the Senate by Mr. Harris, and referred to the Committee on Foreign Relations.

NEW YORK STATE AGRICULTURAL ROOMS,
Albany, New York, January 7, 1864.

To the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, officers of the New York State Agricultural Society, beg leave respectfully to represent that the following resolutions were adopted by the executive committee of this society on the 15th September last, viz:

“*Resolved*, That this society regards as a subject of great importance to the industrial and agricultural interests of the United States the project of Dr. D.

J. Macgowan, for the appointment by the national government of a commission composed of scientific men and practical agriculturists to visit and explore Eastern Asia, with a view to acquire information bearing upon arts and manufactures, and the processes of agriculture there presented, and to obtain and transmit seeds, plants, and animals, the cultivation and propagation of which would be likely to add to the valuable products of our farms.

“Resolved. That the New York State Agricultural Society heartily commends the subject to the favorable action of the government as likely to result in substantial benefit to every section of the country.”

The undersigned, on behalf of the New York State Agricultural Society, beg leave to memorialize your honorable bodies for the enactment of such law or resolution as will best accomplish the objects of the resolutions; and, as in duty bound, your petitioners will ever pray, &c.

[SEAL.]

EDWARD G. FAILE, *President*,
G. Q. P. JOHNSON, *Secretary*,
LUTHER H. TUCKER, *Treasurer*.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
January Session, 1863.

RESOLUTION relative to a proposed exploration of Eastern Asia by Dr. Macgowan.

Resolved, That the scientific and industrial exploration of the unknown parts of Eastern Asia, proposed by Dr. Daniel J. Macgowan, and elucidated by him to the members of the general assembly of this State, merits, in the opinion of the general assembly, the attention of the general government.

A true copy.

[SEAL.] In testimony whereof, I have set my official seal of the State this 30th day of March, A. D. 1863.

JOHN R. BARTLETT,
Secretary of State.

Resolutions of like import, drawn up by Professor Clark, of Amherst, were passed by the house of representatives of the State of Massachusetts, after an address before that body by Dr. Macgowan.

AMERICAN GEOGRAPHICAL AND STATISTICAL SOCIETY.

Your memorialists have much confidence in the ability and experience of Dr. Macgowan, and being made aware of his intention to place before your honorable body the project of opening negotiations for a commercial treaty with Cochin China, which may lead to the scientific and economic exploration of Eastern Asia, and would conduce to the interests of American arts and agriculture, heartily commend the enterprise to the consideration of the government. Your memorialists, therefore, beg to submit to your honorable body the expediency of enacting such laws as your wisdom may deem fit and proper to accomplish the object in view.

H. GRINNELL, *President*,
W. C. H. WADDELL, *Secretary*.

Presented by Mr. Morgan, and referred to the Committee on Foreign Relations.

AMERICAN ETHNOLOGICAL SOCIETY.

* * * That this society has passed a resolution highly approving the plan proposed by Dr. Macgowan, of New York, (now of the United States army, Veteran Reserve corps,) for sending by the general government a com-

mission to Eastern Asia for diplomatic, commercial, scientific, and agricultural purposes; and believing that the projected enterprise would conduce to the great advantage, profit, and honor of our country, and to the benefit of science and humanity, the undersigned, in the name of the American Ethnological Society, respectfully recommended the project above mentioned.

Signed by the president, George Folsom, and the secretary, Theodore Dwight.

Presented by Mr. Conness, of California.

The American Ethnological Society and the American Geographical and Statistical Society have conjointly addressed the Secretary of State on the subject in a memorial, which proposes that Madagascar should be included in the enterprise. In an address to the President of the United States the former society says: The American Ethnological Society are of opinion that Dr. Macgowan is peculiarly qualified, by his intimate and practical acquaintance with that part of the world, to select the particular countries, objects, and ways and means for such an undertaking, and that he has displayed good judgment in devising the plans for forming, instructing, and directing the expedition, and in indicating some of the productions in the different departments of nature and art which may be useful to our agriculture, commerce, and manufactures, and by proposing an easy, direct, and economical way of sending the expedition by established routes of travel, without the expense of employing national vessels for that purpose.

Dr. Macgowan presents himself as an American patriot, who has already rendered great and spontaneous services to the Union by his able efforts in Europe to vindicate our national cause and our government against their foreign enemies and domestic traitors. He has devised, and now proposes, an enterprise which would afford to the world a practical proof of the tendencies of our free institutions, and the spirit and power of our nation, such as could be neither misunderstood nor misrepresented.

AMERICAN INSTITUTE.

* * * At a meeting of the institute, held at the rooms in the city of New York, March 16, 1864, a resolution was adopted directing their officers and trustees to memorialize Congress for an appropriation, and for such other legislation as may be deemed necessary, to carry out the proposed expedition to Eastern Asia, by our distinguished American citizen, Dr. D. J. Macgowan.

The undersigned, in behalf of the American Institute, an institution which has for its object the advancement of commerce, agriculture, and the mechanic arts, earnestly recommend to the fostering of our national government the expedition as one which can hardly fail to increase the number and variety of our agricultural products, will most likely add to the catalogue of useful animals, and lead to the discovery of new and valuable fibrous textiles, give an impetus to our foreign commerce, and promote generally the cause of science and civilization.

Your petitioners pray for the enactment of such law or the adoption of such resolution as may secure to the proposed commissioner of exploration not only such aid as will be satisfactory to its enlightened projector, but at the same time be creditable to a great and growing nation.

Signed by the Hon. Thomas McElrath, and the other trustees of the American Institute. Presented by Mr. Morgan, of New York, and referred to the Committee on Foreign Relations.

AMERICAN ORIENTAL SOCIETY.

The undersigned, members of a committee of the American Oriental Society, appointed at the last meeting in October, 1863, to consider a plan of Dr. D. J. Macgowan for explorations in China and adjacent countries, having received a communication from that gentleman relative to the subject, though explaining his plan only in part, take pleasure in expressing, in his behalf, the interest which they feel, as representatives of the American Oriental Society, in any project which seems to promise to add to our knowledge of the east, whether scientific or practical, and their earnest wish that it may be found practicable to make such arrangements, and to obtain such co-operation and various facilities, under the auspices and with the assistance of the government of the United States, as shall render Dr. Macgowan's plan fruitful in its results, alike honorable to our country and useful to the world.

Signed by Professors Salisbury and Whitney, New Haven, March 10, 1864. Presented by Mr. Foster, of Connecticut. Referred to the Committee on Foreign Relations.

Resolutions of like character were also passed by the Horticultural Society of Cincinnati.

Among public men, not members of Congress, who have commended the undertaking, are Chief Justice Chase, ex-President Fillmore, Hon. A. H. Everett, J. P. Kennedy, Governor Andrew, and Hon. William Kelly, late president of the New York State Agricultural Society. It has been frequently advocated by the New York Evening Post and the National Intelligencer, and favorable notices have been accorded by the New York Times, Tribune, Journal of Commerce,, and the Washington Chronicle. Agricultural journals generally have given it their support, particularly the California Farmer.

[From the New York Commercial Advertiser, January 23, 1865.]

AMERICAN INTERESTS IN EASTERN ASIA.

The project of Dr. Macgowan, of this city, late from China and Japan, of an industrial and scientific mission to various portions of Eastern Asia, continues to receive the support of agricultural and other public bodies. The American Geographical and Statistical Society and the American Ethnological Society have again called the attention of the general government to the subject. It is now under consideration by the Senate Committee on Foreign Relations and the House Committee on Agriculture.

Few on the Atlantic coast, and not many on the shores of the Pacific, are aware of the importance of American interests in those extensive regions of the orient, which by the growth of our country have become to us a further west. Dr. Macgowan's project contemplates the negotiation of commercial treaties with all those countries which yet possess the requisite degree of independence to confer such privileges. At the same time the mission proposes the investigation of the agriculture and arts of Eastern Asia, particularly China, and the transmission of seeds, plants, and animals, the cultivation and propagation of which is likely to add to the valuable product of our farms.

Dr. Macgowan is well known as an orientalist. He published a newspaper in the Chinese language at Ningpo, where he acted as United States consul. He is the inventor of a contrivance by which the electric telegraph is applicable to the non-alphabetic characters of the Chinese language, and is an authority

on matters connected with the politics and arts of China. Since his return to his native land he has delivered lectures on his travels, and is now in the public service, professionally, in connexion with the Veteran Reserve corps. His patriotism was manifested before he returned home by the part which he took in Paris when the Americans in that city met to raise a fund for the purchase of Whitworth guns, at the commencement of the rebellion, and by his offer, while in Italy, to the governor of his native State, to act as surgeon to the colored troops, which, according to the accounts then published in Europe, Governor Sprague had then undertaken to raise. The publication of Dr. Macgowan's letter on the subject at that early day served, both in this country and in Europe, to strengthen the Union cause, and to dispel the prejudices against the employment of that agency in the maintenance of our nationality.

INVALID PENSIONS.

MARCH 3, 1865.—Laid on the table and ordered to be printed.

Mr. GRISWOLD, from the select committee on invalid pensions, made the following

REPORT.

The committee appointed on the 20th day of December, 1864, to “investigate all the facts and circumstances relating to the practical working of our pension laws, as a system of permanent relief to military or naval invalids; to inquire into the actual and present condition of such invalids, and to report what measures relating to their future disposition will best secure, to such of them as are able to labor, a life support independent of a government bounty,” beg leave to present the following report:

In entering upon the investigations embraced in the foregoing resolution, the committee found before them a field of such extent, involving so much statistical detail, and the consideration of such complex problems in political economy, as to require a longer period than came within the limits of their existence.

Being debarred the privilege of sending for persons and papers augmented the difficulty of doing anything like justice within the time allowed them; they therefore find themselves unable to present more than a skeleton of a report.

They are, however, more than ever convinced of the necessity of early legislation upon the subjects committed to them, and of the importance of gathering such information as will give proper direction to such legislation.

It is to be considered how far provision is to be made for the thousands of invalids who are to be thrown upon public consideration and care by Congress, and how far this provision should be left to the individual States.

Conceding, as all must, the imperative demand for the care of this numerous and deserving class of our citizens, it is of the first importance to consider the mode which will most conduce to their well-being.

The committee find that the number of pensioners already admitted at the pension bureau from January 1, 1861, to January 1, 1865, was 66,390, as follows:

INVALIDS.

Number of cases admitted to June 30, 1863.....	7, 248
“ “ “ from June 30, 1863 to December,.....	8, 450
“ “ “ in the year 1864.....	13, 724
Total	29, 422
Number of cases rejected to January, 1865.....	9, 724

WIDOWS.

Number of cases admitted from July 1, 1861, to January 1, 1865..	36, 968
Invalids	29, 422
Widows	36, 968
Total	65, 390

From the foregoing it is not unreasonable to conjecture that, should the war terminate within the present year, the number of pensioners will reach 100,000. Based upon the present expenditures of the bureau, which we find to be eight millions of dollars for 66,390 pensioners, we estimate the annual cost will reach \$10,500,000.

At least one-half, if not two-thirds, of these invalids can be made self-supporting, independent of government bounty, by opening such opportunities of employment to them as may induce an exchange of their fixed pensions for a possible larger income, according to their ability or willingness to labor.

The following are some of the provisions and avenues to employment which may be opened through congressional legislation to invalids, that suggest themselves to the committee, and which may be promoted or increased by the legislation of individual States as in the wisdom of their legislatures they may deem advisable.

1st. National military homes or asylums for the homeless, or most helpless invalids.

The committee are satisfied that while such institutions are in a degree indispensable, their number should be as small as possible, and their character industrial.

2d. Grants of public lands, with extra inducements to colonize.

The committee regard this as particularly important for men with families; to such, farming utensils might be provided, and for a certain number of years they should be exempt from taxation.

3d. Preferred claims to subordinate government offices—salaries to depend upon amount of pension relinquished. The term of office to be during life or good behavior.

4th. Establishment of bureaus where the services of invalids may be secured.

5th. The establishment of a sedentary corps, in which veterans might enlist for a long period of years instead of, as now, for only a few years; their pensions to be suspended while receiving pay as soldiers in actual service, and reviving, with an addition, on their retiring at the expiration of a long term of years.

The foregoing are some of the principal propositions which have occupied the attention and commended themselves to the committee. They feel that the investigations they have been able to make are merely preliminary, and, as before stated, the subject is one demanding more time and careful consideration than they have been able to bestow.

With a view to the possible legislation upon the subject by Congress at its next session, the committee have resolved to pursue the investigation already commenced by them, in the hope of presenting such information as will enable a future committee of this house properly to present the subject for consideration and action.

All which is respectfully submitted.

HON. LUCIEN ANDERSON.

MARCH 3, 1865.—Laid on the table and ordered to be printed.

Mr. GREEN CLAY SMITH, from the Select Committee on charges against the Hon. Lucien Anderson, made the following

REPORT.

The Select Committee to whom was refered a resolution of the House of Representatives of January 18, directing inquiry into the conduct of Hon. Lucien Anderson, and charges against him in connexion with Brigadier General E. A. Paine, whilst in command of the western district of Kentucky, beg leave to report :

That they have examined all witnesses, pro and con, who were supposed to know anything about said charges, and in none of the testimony is there anything which would in the slightest degree sustain said charges. On the contrary, the evidence entirely exonerates said Anderson from all wrong, or any charge or charges made against him. The committee therefore ask that the following resolution be adopted :

Resolved, That the charges of bribery, corruption and malfeasance in office against the Hon. L. Anderson, a member of this house, are not sustained by the proof in the case.

The committee in the case of investigation of Lucien Anderson, a member of the 38th Congress, on the 6th day of February, 1865, proceeded to take the evidence of Brigadier General E. A. Paine, who was called as a witness, who, being first sworn, stated as follows :

I am a brigadier general of the United States volunteers. I took command of the military district of western Kentucky on the 19th day of July, 1864, by order of the President of the United States, headquarters at Paducah, Kentucky, established by order of Major General C. C. Washburn, commanding district of West Tennessee. About the middle of August I received a despatch from Brevet Major General Burbidge, informing me that the western district of Kentucky was attached to the district of Kentucky, and requesting me to report to him. I sent the reports, but informed him that I could only report to him by an official order from Major General Washburn, commanding district of West Tennessee, which was never sent me, although I wrote for the order twice. I was placed in command of Paducah, Kentucky, by General Grant, on the 6th day of September, 1861. I remained there until the 25th day of December, 1861. I became acquainted with Hon. Lucien Anderson at that time. When I arrived at Paducah, in July last, I met Mr. Anderson at the hotel where I stopped, and where I made my headquarters for a few days. He was staying

there because he could not go to his home, which was at Mayfield, twenty-six miles distance. On the day of my arrival at Paducah the guerillas were attacking the picket line around the town, and on the third day another attack was made. I found that Union men could not go beyond the lines, for the reason that the whole country was held and controlled by guerillas. About the 5th or 6th of August, as near as I can now recollect, I went to Mayfield with about sixteen hundred men; Mr. Anderson accompanied the troops, and several other Union men who resided there, and who had not been to their homes for several months. Until I was relieved our troops occupied the town of Mayfield, and the railroad being opened to that point, all persons not prohibited by military orders could pass and repass between Paducah and Mayfield. My recollection is that Mr. Anderson did not return to Paducah until near the last of August; I cannot remember the day. He then left for Cairo, and from there to Washington city, as I was informed. He returned about the 5th of September. He remained in Paducah but a day or two, when he returned to Mayfield.

I closed the mercantile house of Prince & Dodds, at Paducah, on the report of Thomas M. Redd, esq., the surveyor of the port; he stating to me that that firm had purchased contraband merchandise of the mercantile house of Ashbrook, Ryan & Co., also of Paducah, after they, Prince & Dodds, had been informed by him (Redd) that the article was contraband. I also closed the house of Ashbrook, Ryan & Co. Both of those firms plainly and clearly violated the fifty-eighth paragraph of the treasury regulations. Mr. Anderson knew nothing of this action until it was done. If he had, it would have made no difference in my orders. Prince & Dodds were Union refugees from Tennessee. They were unconditional Union men. Ashbrook, Ryan & Co. were uncompromising rebels. Other Union men, refugees from Tennessee, came to see me. They very earnestly requested me to release the house of Prince & Dodds; that seizing their goods would injure very materially the Union element in Tennessee. Mr. Redd also asked me to release the goods, and permit Prince & Dodds to open their house. After much deliberation and several conversations with the parties (Prince & Dodds) I released them upon their surrendering to Mr. Redd the contraband article, and pledging themselves not to commit such acts again. If I released Prince & Dodds, I was necessarily compelled to release Ashbrook, Ryan & Co. Mr. Anderson had no influence whatever with me in this matter, although I often advised with him, and obtained from him from time to time all the information I could. If he said anything to me in this case I deemed it of no importance, as the whole matter was presented to me by Mr. Redd; and he being the treasury officer, I adopted his advice, together with the earnest request of the Union men from Tennessee.

I did not know of any money being paid to Mr. Anderson for his services for any party before me; he never offered me a dollar, or any amount of money or property, to induce me to issue or countermand any order or do any official act, or for any other purpose. I never received any money, property, or valuables of any kind whatever for any official or non-official act. No person, except Mrs. Dr. Bell, of Paducah, ever offered me anything of the kind for any purpose. There was no officer or person at Paducah who could release the stores referred to but myself. On Mr. Anderson's return from Washington, he only remained a day or two at Paducah; he returned to Mayfield. I do not recollect of seeing Mr. Anderson again until I received a despatch relieving me from the command of that district. Mr. Anderson made no application to me at any time for permits to trade in merchandise, produce, mules, horses, or anything else. He could not have traded in any such articles without my knowing it; I had a carefully prepared list of all persons engaged in every kind of trade. I never seized, or ordered to be seized, any money or property of any kind for my own benefit or for the use of Mr. Anderson, Mr. Bolinger, or any other person. All of the assessments made were so made by order of the

President of the United States, for the purpose of raising a fund called the relief fund, to be used in paying Union men their losses sustained by the raids of Forrest and Berford, and guerillas. I never took any property except such as was duly accounted for in the relief fund, or turned into the quartermaster's or other departments of the army. I never knew of an illegal, unlawful, or dishonorable act committed by Mr. Anderson.

E. A. PAINE.

The deposition of Thomas M. Redd, taken February 13, 1865, before the committee appointed to inquire into the charges against Lucien Anderson, a member of Congress.—Said Redd, being first sworn, stated as follows, viz : I live in Paducah, Kentucky, surveyor of customs, have been living in Paducah nine years ; I have been surveyor of the port nearly twelve months. I was in Paducah in July, 1864, when General Paine took command there. The condition of the country was bad ; guerillas hovering around the pickets all the time, and frequent attacks were made on the pickets by them. I do not recollect whether Mr. Anderson was in Paducah when General Paine took command or not, but remember that he was there a short time after.

Question. What are the duties of your office, as surveyor of the port of Paducah ? Please answer this question before we proceed any further with Mr. Anderson.

Answer. The duties of my office are to receive the duties on all goods imported into the United States into that port, and to collect the taxes imposed by Congress on products raised in insurrectionary States passing through that port, and to permit to insurrectionary States, and see that nothing contraband of war is imported into said States, and to see that no illicit trading, &c., is carried on. It is my duty to seize all goods contraband of war brought into Paducah, and report them to the United States attorney for the district of Kentucky, at Louisville. General Paine was in Paducah about two weeks, when he moved out to Mayfield, the residence of Mr. Anderson, with troops. Mr. Anderson remained in Paducah until this move, when he accompanied General Paine to Mayfield. Mr. Anderson remained in Mayfield, and General Paine returned to Paducah, but left forces at Mayfield. Mr. Anderson did not return to Paducah to my knowledge until some time in August, when he remained for about one week, when he left for Washington city.

Question. Do you know anything about closing up the houses of Prince & Dodd and Ashbrook, Ryan & Co., by order of General Paine, or any one else ? If so, state the facts ?

Answer. I do not recollect the exact time that these houses were closed, but think it was the last of July or the first of August. I, as surveyor of customs at the port of Paducah, had them closed for violating the 58th article of the regulations of trade, of September 11, 1863, which says that all trade in arms and munitions of war in the State of Kentucky and on the Mississippi river below Cairo is hereby prohibited. The parties, Messrs. Prince & Dodd and Ashbrook, Ryan & Co., were engaged in trading in sulphur, which is enumerated by the Secretary of War in his definition of the term munitions of war. Messrs. Ashbrook, Ryan & Co. sold the sulphur (one barrel) to Messrs. Prince & Dodd. Their houses were closed about ten or twelve days. In the mean time I was receiving information from the Treasury Department at Washington, and from the information received I was satisfied that I could not hold the goods. Mr. Anderson had nothing to do with the closing of the houses of Messrs. Prince & Dodd and Ashbrook, Ryan & Co., nor do I recollect whether Mr. Anderson was in Paducah at the time or not. One thing, however, I do know, he had nothing to do with the closing of the houses in any way whatever ; I alone am responsible. A few days after the closing of the houses of the parties above named,

Mr. Anderson came into my office and asked me in a familiar way, "What about the closing of the house of Ashbrook, Ryan & Co.?" I replied to him, saying that the parties had evidently violated the letter of the trade regulations, and that I intended to investigate their case. Mr. Anderson replied to me that Mr. Norton, of the firm of Ashbrook, Ryan & Co., wanted him to investigate the propriety of the seizure. I showed Mr. Anderson all the laws in reference to the confiscation of goods. After Mr. Anderson had read the law, he remarked to me that he had no personal interest in the matter whatever, and that he did not desire to do anything that would injure the government; that all he would do would be to investigate the seizure, and if it was legal, that he would not engage in the matter any further. Mr. Anderson stated to me that he was not disposed himself to engage in matters of this kind, but the parties were continually pressing him, and that he wanted to get the matter off his hands. I finally came to the conclusion to hold the munitions of war belonging to Messrs. Ashbrook, Ryan & Co., and permit them to go on with their business. Mr. Anderson was present at General Paine's headquarters, when I told General Paine what my conclusion was. I had the contraband goods removed to another house. This is all I had to do with the seizure of the goods belonging to the parties above named. I did hold the contraband goods for some days, but finding that I would have to prove a wilful violation of the trade regulations, I gave them back their contraband goods. I know nothing of his (Mr. Anderson's) receiving anything by way of compensation for any services rendered, in opening any store or stores in Paducah, during General Paine's administration in Paducah. My reasons for giving up the goods was based upon a letter dated Cincinnati, Ohio, August 12, 1864, office of supervising special agent, first agency United States Treasury Department, from David G. Barnitz, deputy general agent Treasury Department, which says: "If you are satisfied that a wilful violation of a material importance has occurred, you will send them (the goods) to Evansville, Indiana, with a full statement of the alleged violation;" * * * "but if you are satisfied there has been no such violation, you will decline to take any custody or control of the goods." In the conversation alluded to before with General Paine in reference to the store of Ashbrook, Ryan & Co., I applied the same rule to the house of Prince & Dodd; I left it with General Paine to open the house at his pleasure. All that I know about Mr. Anderson's connexion with the opening of the house of Prince & Dodd is, that he advised General Paine to open the house because the parties were Union men, refugees from Tennessee; and he further said that he did not know personally either of the men, but received his information as to their loyalty from reliable Union men of Paducah. Mr. Anderson could not go to his home at Mayfield, Kentucky, until General Paine went there with troops for his protection. There are no troops at Mayfield now, and I believe it would be impossible for Mr. Anderson to go beyond the "picket lines" at Paducah without danger of losing his life. I understand that an order has been issued by General Paine, laying a tax on the shipment of tobacco and cotton, amounting to ten dollars per hogshead of tobacco, and ten dollars per bale of cotton. Mr. Anderson told General Paine that he, as a Union man, could not defend that order, and urged him to revoke it, upon which solicitation the tax was reduced to two dollars each. Mr. Woodward, who was appointed by General Paine superintendent of trade, told me he had received this tax money. I do not know what became of the money he received.

THOMAS M. REDD.

The deposition of John T. Bolinger, taken before the committee on the 16th of February, 1865, appointed to investigate charges against L. Anderson, a member of Congress, charged with bribery, corruption, &c.—Said Bolinger, being first sworn, stated as follows:

Question. State when General Paine took command of western Kentucky. State, if you know, where L. Anderson was at the time; if at Paducah, why he remained there, if you know; and how long he remained there, and when did he go from there, where he stayed, and all you know relative to his acts and conduct whilst General Paine was in command of western Kentucky.

Answer. General Paine took command of western Kentucky, with headquarters at Paducah, between the 15th and 20th of July, 1864. L. Anderson was at Paducah at the time General Paine took command; his home was at Mayfield, Kentucky, twenty-six miles south of Paducah; he remained at Paducah because his life would have been endangered, as the country outside the picket lines of Paducah was filled with rebels and guerillas. He remained at Paducah until federal troops were stationed at Mayfield, by which protection was given to Union men. He remained at Mayfield until he left for Washington to look after the draft in his district; remained at Paducah a few days on his way to Washington, and returned to Paducah some four days before General Paine was removed. As soon as he reached Paducah, on his return from Washington, he left for Mayfield, where his family was, and remained until after General Paine was removed.

Question. Did General Paine, to your knowledge, whilst in command at Paducah, take property or money from any person or persons, and divide the same with you or Anderson? Was there any confederation with you, Anderson, and Paine in taking property and money, or either, from any person or persons? If so, state who it was taken from, and the character of the property. State, further, if Anderson was engaged in any kind of speculation whilst Paine was in command at Paducah.

Answer. General Paine did not, to my knowledge, while at Paducah, take money or property from any one and divide the same with myself and L. Anderson, or either of us, in any way, directly or indirectly; neither were we in any way, directly, or indirectly, confederate together for any purpose whatever, either for purpose of making money or anything else; neither do I know of any kind of speculation in which General Paine or L. Anderson was engaged in in any way whatever. I know that L. Anderson at all times refused to engage in any kind of speculation since the war began. I further know that he was and has been engaged, ever since the war began, doing all he could for the Union people of his district free of charge.

Question. State whether or not Anderson had anything to do with assessments on rebel sympathizers to pay Union men for the losses sustained by rebels and guerillas under the order of the President, under which General Paine was acting, or whether he had the poll-books in his possession, as stated in the report of Fry & Co,

Answer. Anderson had nothing to do with the assessment question—assessing rebels to compensate Union men for losses sustained by rebels; General Paine placed the matter in other hands. Mr. Anderson never had the tax or poll books in his possession; he had his room at the Continental Hotel, where his door was kept open all the time. Myself and others took the tax and poll books to his room, as it was the most convenient place we could get; but I never saw Mr. Anderson pay any attention to the books, or interfere, or make any suggestions about them or the tax in any way.

Question. Do you know anything about the closing the houses of Ashbrook, Ryan & Co. and Prince & Dodd? If so, state all you know, and also all you know about the opening of said houses, and whether there was any collusion on the part of Anderson with any person or persons in reference to said houses in any way whatever.

Answer. I know nothing about the closing or opening of the houses of Ashbrook, Ryan & Co. or Prince & Dodd. I know of no collusion of any kind

with anybody in any way about it; in fact, I know nothing of the transaction from beginning to ending, in any way, directly or indirectly.

J. T. BOLINGER.

The deposition of P. J. Ashbrook, taken before the committee to investigate charges against L. Anderson, for bribery, corruption, and malfeasance, on February 24, 1864.—Being first sworn, testifies as follows:

I reside in Paducah, Kentucky, and am a member of the firm of Ashbrook, Ryan & Co. In August last the house of said firm was closed, on the information and charges preferred, as I understand, against it by Thomas M. Redd, surveyor of the port at Paducah, Kentucky. The charges were a violation of the regulations of the Treasury Department, in this—that the firm of Ashbrook, Ryan & Co. had sold a barrel of sulphur to Prince & Dodd. This sulphur, so sold, had been brought to Paducah under the old regulations, and had been in the house for at least six months. Prince & Dodd were retail grocers, doing business inside the federal lines, and could sell no article to go outside the lines without the consent of the treasury agent, and also the military. After the house was closed, myself, with another member of the firm, applied to Mr. L. Anderson to assist us in having the house opened. Mr. Anderson was not at Paducah at the time the house was closed, but came to Paducah in a few days afterwards from his home, on his way to Washington. We agreed to pay him for his services if he would remain and aid us in the matter. He staid in Paducah a few days, and did aid us in having our house opened; he then left for Washington, and was gone for some time. I do not know that Anderson received one cent in money or anything, as a fee for his services in the case, although we agreed to pay him for his services.

P. J. ASHBROOK.

The deposition of P. D. Yeiser taken before the committee to investigate the charges against L. Anderson, March 2, 1865:

Question. State all you know relative to the action of L. Anderson, when General Paine, was in command at Paducah, in the case of Ashbrook, Ryan & Co., whose house had been closed by the surveyor of the port.

Answer. I know nothing relative to the action of Hon. L. Anderson in conjunction with the Ashbrook, Ryan & Co. case referred to in the question, save and except what Mr. Anderson stated himself before the commission held in Paducah, Kentucky, by Brigadier General Fry and Colonel Brown, and his statements made at that time were, as I recollect, substantially reduced to writing. I forget whether signed by Anderson or not, but my recollection is they were signed.

P. D. YEISER.

The deposition of J. P. Prince, taken before the committee appointed to investigate the conduct of Hon. L. Anderson, March 2, 1865.—First being sworn, states:

That he was, at the time General E. A. Paine commanded at Paducah, Kentucky, a member of the firm of Prince & Dodd, retail grocers, at the time and place aforesaid; that their said house was closed on the request and at the instance of Thomas M. Redd, surveyor of the port, for an alleged violation of the regulations of the Treasury Department, in this, to wit: the firm of Prince & Dodd bought of the firm of Ashbrook, Ryan & Co., one barrel of sulphur, which had been brought to Paducah under old regulations, and the same could not have been sold by our firm to go outside the federal lines without the consent of the treasury and military authorities. After our said house was closed we visited General Paine in person, and talked the matter over and explained to him our action in said purchase of sulphur; did not employ L. Anderson to aid us in hav-

ing our house opened; neither do I know, except by information, that he did interfere in our behalf. The house was finally opened, and I understand Anderson, at the solicitation of Mr. Thompson, did ask General Paine not to inflict a fine of \$1,000 on the firm for said supposed violation of trade regulation. I was a stranger to Anderson at the time; never had been introduced to him; did not pay to him a fee for his services, but shall always respect him for what he did in our behalf.

J. P. PRINCE.

The deposition of C. M. Thompson, who, being sworn, stated as follows:

I am a citizen of Wayne county, Tennessee, in the employ of the United States government as local special agent for the valley of the Tennessee river, headquarters at Paducah. I am acquainted with Mr. Anderson, member of Congress from the first district of Kentucky; I also know Prince & Dodd, merchants, at Paducah. I knew the house of Prince & Dodd had been closed by the authorities at Paducah. I had been acquainted with these gentlemen throughout the rebellion. I knew them in Tennessee. They were from my neighborhood. I knew they were Union men, and therefore took an interest in their welfare. Accidentally hearing that the goods belonging to that firm were to be invoiced and confiscated, I proceeded immediately to hunt up Mr. Anderson, to assist me in preventing such a procedure. When I met him I stated the case to him. He said he did not know the men, but on my recommendation he would go with me to General Paine in their behalf. When we reached General Paine's headquarters Mr. Anderson presented the case of Prince & Dodd, stating that he was acting on the recommendation and statements of Mr. C. W. Thompson; that he was not interested in the matter, but thought, as these were Union men, their house should be opened, and they not subjected to the penalties of confiscation. General Paine declined to stop the proceeding at that time. We left, other parties having come in. After leaving, and about dark, I asked Mr. Anderson to interest himself and see that these men were not punished as contemplated. He told me he would go that night to see the general again, and we separated. I met Mr. Anderson early next morning as he came from breakfast, and asked him if he had seen the general, and what news he had. He replied that the house of Prince & Dodd had been unconditionally released; that he had not time to talk to me, for the boat was waiting at the wharf, and he must be off for Washington city. Prince & Dodd knew nothing about my interview with Mr. Anderson, nor did they know that he had gone with me to see General Paine in their behalf until I told them about it afterwards. Mr. Anderson, to my knowledge, did not see the parties either before or after the interview with General Paine.

C. M. THOMPSON.

John M. Brown, being sworn, states:

I was one of the commission ordered by General Burbridge to go to Paducah and examine into the conduct of Brigadier General Paine. I was the recorder of the proceedings. Mr. Anderson was before the commission and made his statement in writing. I know nothing of the matter save what was in that paper. Mr. Anderson was sworn by me. The evidence was dictated by him and reduced to writing by me, read over to him, and then signed by him. The paper was forwarded through General Burbridge to the Secretary of War. Brigadier General S. S. Fry was the other member of the commission.

JNO. MASON BROWN.

JOHN P. BROWN.

[To accompany bill H. R. No. 813.]

MARCH 3, 1865.—Ordered to be printed.

Mr. Cox, from the Committee on Foreign Affairs, made the following

R E P O R T .

The Committee on Foreign Affairs, to whom this matter was referred, beg leave to report :

That the said John P. Brown has repeatedly, since his connexion with the legation at Constantinople, represented the government of the United States of America in the capacity of chargé d'affaires *ad interim*. These periods extend as far back as A. D. 1838, and four of them are as follows, viz :

From April 16, 1838, to July 19, 1839 ; from March 6, 1843, to January 15, 1844 ; from August 5, 1845, to July 1, 1846 ; from October 20, 1849, to February 23, 1850 ; making together three years, four months, and thirteen days.

During these periods he held the office of dragoman or oriental interpreter to the legation, with a salary of \$2,500 per annum, and that of a chargé d'affaires then was \$4,500 a year. At various times he petitioned Congress for the allowance usually granted for similar services ; and it was only in the session of 1850-'51 that an act was passed in his favor, allowing him \$5,120, whilst the entire sum claimed by him for the four periods aforestated was \$6,738 84. The committee do not believe that either of these periods was rejected by Congress, and are of the opinion that the petition for one of them was not before it when his claims were taken up and acted upon. The period thus omitted was probably that from March 6, 1843, to January 15, 1844. The amount still due to him, in consequence of this omission, is \$1,618 84. As the usual wording of the act, viz., "in full payment up to this date," (1851,) offers a serious difficulty to the rectification of the error, the circumstances of the omission are left to the justice of Congress. The committee propose to include that amount in the bill reported. Since the latter of these four periods the petitioner has served again in the capacity of chargé d'affaires *ad interim*, for which he has not received any remuneration whatever, viz : from July 30, 1852, to July 5, 1853 ; December 19, 1853, to January 31, 1854 ; making together twelve months and nineteen days. He was at the time still holding the office of dragoman to the legation, with a salary of \$2,500 per annum, and that of chargé d'affaires was \$4,500, so that the amount due to him, as the difference between the two salaries, is \$2,105 54.

In addition to the preceding, the petitioner is entitled to a remuneration for other services rendered by him in connexion with the legation. He has brought them before the Department of State, and, though it admits the services, it expresses its inability to give him any relief, so that he is compelled to submit them to the justice of Congress. These are the following :

On the 19th of February, 1857, the petitioner was appointed consul general of the United States at Constantinople, and from that date to October 30, 1858, the office of secretary and dragoman to the legation remained vacant. He was informed, unofficially, that it was the intention of the President he should continue to perform the duties of dragoman to the legation in addition to those of consul general. In consequence of this intimation, as well as on the official request of the minister resident, he performed, under his instructions, all of the duties of dragoman, as well indeed as those of secretary, and asks some proper remuneration for these superadded services for one year, eight months, and twelve days.

On the 30th October, 1858, the petitioner was appointed to the office of secretary and dragoman to the legation, and was notified by the Department of State of the appointment of another person as consul general at Constantinople. This latter did not come to Constantinople until the 18th of March, 1859, so that the petitioner performed all the duties of secretary and dragoman to the legation, and the superadded services of consul general from November 1, 1858, to March 18, 1859—four months and 19 days—and asks a proper remuneration for the same.

For the period between February 19, 1857, and October 30, 1858, viz., one year, eight months, and twelve days, he is entitled to be paid at the rate of \$1,000 per annum, the salary allowed for the office of dragoman to the legation, making \$1,666 66; and for that between November 1, 1858, and the 19th of March, 1859, viz., four months and nineteen days, he is entitled to be allowed the half salary of the consul general at \$1,500 per annum, making \$676 60. Your committee, in conclusion, respectfully referred the matter herein to the Department of State for confirmation of the preceding statements, and append hereto the letter of Mr. Seward. They submit a bill for remuneration to the petitioner of the aggregate amount of said claims, being the sum of \$6,067 64.

DEPARTMENT OF STATE,

Washington, February 28, 1865.

SIR: Your letter of the 23d instant has been received. There is nothing on the files of the department to invalidate the statements contained in the petition of Mr. Brown, which accompanied your letter, and the department cheerfully bears testimony to the efficiency with which he has performed the various duties that have from time to time been assigned to him during his long residence in the east. The petition is herewith returned.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. H. WINTER DAVIS,

House of Representatives.

there because he could not go to his home, which was at Mayfield, twenty-six miles distance. On the day of my arrival at Paducah the guerillas were attacking the picket line around the town, and on the third day another attack was made. I found that Union men could not go beyond the lines, for the reason that the whole country was held and controlled by guerillas. About the 5th or 6th of August, as near as I can now recollect, I went to Mayfield with about sixteen hundred men; Mr. Anderson accompanied the troops, and several other Union men who resided there, and who had not been to their homes for several months. Until I was relieved our troops occupied the town of Mayfield, and the railroad being opened to that point, all persons not prohibited by military orders could pass and repass between Paducah and Mayfield. My recollection is that Mr. Anderson did not return to Paducah until near the last of August; I cannot remember the day. He then left for Cairo, and from there to Washington city, as I was informed. He returned about the 5th of September. He remained in Paducah but a day or two, when he returned to Mayfield.

I closed the mercantile house of Prince & Dodds, at Paducah, on the report of Thomas M. Redd, esq., the surveyor of the port; he stating to me that that firm had purchased contraband merchandise of the mercantile house of Ashbrook, Ryan & Co., also of Paducah, after they, Prince & Dodds, had been informed by him (Redd) that the article was contraband. I also closed the house of Ashbrook, Ryan & Co. Both of those firms plainly and clearly violated the fifty-eighth paragraph of the treasury regulations. Mr. Anderson knew nothing of this action until it was done. If he had, it would have made no difference in my orders. Prince & Dodds were Union refugees from Tennessee. They were unconditional Union men. Ashbrook, Ryan & Co. were uncompromising rebels. Other Union men, refugees from Tennessee, came to see me. They very earnestly requested me to release the house of Prince & Dodds; that seizing their goods would injure very materially the Union element in Tennessee. Mr. Redd also asked me to release the goods, and permit Prince & Dodds to open their house. After much deliberation and several conversations with the parties (Prince & Dodds) I released them upon their surrendering to Mr. Redd the contraband article, and pledging themselves not to commit such acts again. If I released Prince & Dodds, I was necessarily compelled to release Ashbrook, Ryan & Co. Mr. Anderson had no influence whatever with me in this matter, although I often advised with him, and obtained from him from time to time all the information I could. If he said anything to me in this case I deemed it of no importance, as the whole matter was presented to me by Mr. Redd; and he being the treasury officer, I adopted his advice, together with the earnest request of the Union men from Tennessee.

I did not know of any money being paid to Mr. Anderson for his services for any party before me; he never offered me a dollar, or any amount of money or property, to induce me to issue or countermand any order or do any official act, or for any other purpose. I never received any money, property, or valuables of any kind whatever for any official or non-official act. No person, except Mrs. Dr. Bell, of Paducah, ever offered me anything of the kind for any purpose. There was no officer or person at Paducah who could release the stores referred to but myself. On Mr. Anderson's return from Washington, he only remained a day or two at Paducah; he returned to Mayfield. I do not recollect of seeing Mr. Anderson again until I received a despatch relieving me from the command of that district. Mr. Anderson made no application to me at any time for permits to trade in merchandise, produce, mules, horses, or anything else. He could not have traded in any such articles without my knowing it; I had a carefully prepared list of all persons engaged in every kind of trade. I never seized, or ordered to be seized, any money or property of any kind for my own benefit or for the use of Mr. Anderson, Mr. Bolinger, or any other person. All of the assessments made were so made by order of the

President of the United States, for the purpose of raising a fund called the relief fund, to be used in paying Union men their losses sustained by the raids of Forrest and Berford, and guerillas. I never took any property except such as was duly accounted for in the relief fund, or turned into the quartermaster's or other departments of the army. I never knew of an illegal, unlawful, or dishonorable act committed by Mr. Anderson.

E. A. PAINE.

The deposition of Thomas M. Redd, taken February 13, 1865, before the committee appointed to inquire into the charges against Lucien Anderson, a member of Congress.—Said Redd, being first sworn, stated as follows, viz : I live in Paducah, Kentucky, surveyor of customs, have been living in Paducah nine years ; I have been surveyor of the port nearly twelve months. I was in Paducah in July, 1864, when General Paine took command there. The condition of the country was bad ; guerillas hovering around the pickets all the time, and frequent attacks were made on the pickets by them. I do not recollect whether Mr. Anderson was in Paducah when General Paine took command or not, but remember that he was there a short time after.

Question. What are the duties of your office, as surveyor of the port of Paducah ? Please answer this question before we proceed any further with Mr. Anderson.

Answer. The duties of my office are to receive the duties on all goods imported into the United States into that port, and to collect the taxes imposed by Congress on products raised in insurrectionary States passing through that port, and to permit to insurrectionary States, and see that nothing contraband of war is imported into said States, and to see that no illicit trading, &c., is carried on. It is my duty to seize all goods contraband of war brought into Paducah, and report them to the United States attorney for the district of Kentucky, at Louisville. General Paine was in Paducah about two weeks, when he moved out to Mayfield, the residence of Mr. Anderson, with troops. Mr. Anderson remained in Paducah until this move, when he accompanied General Paine to Mayfield. Mr. Anderson remained in Mayfield, and General Paine returned to Paducah, but left forces at Mayfield. Mr. Anderson did not return to Paducah to my knowledge until some time in August, when he remained for about one week, when he left for Washington city.

Question. Do you know anything about closing up the houses of Prince & Dodd and Ashbrook, Ryan & Co., by order of General Paine, or any one else ? If so, state the facts ?

Answer. I do not recollect the exact time that these houses were closed, but think it was the last of July or the first of August. I, as surveyor of customs at the port of Paducah, had them closed for violating the 58th article of the regulations of trade, of September 11, 1863, which says that all trade in arms and munitions of war in the State of Kentucky and on the Mississippi river below Cairo is hereby prohibited. The parties, Messrs. Prince & Dodd and Ashbrook, Ryan & Co., were engaged in trading in sulphur, which is enumerated by the Secretary of War in his definition of the term munitions of war. Messrs. Ashbrook, Ryan & Co. sold the sulphur (one barrel) to Messrs. Prince & Dodd. Their houses were closed about ten or twelve days. In the mean time I was receiving information from the Treasury Department at Washington, and from the information received I was satisfied that I could not hold the goods. Mr. Anderson had nothing to do with the closing of the houses of Messrs. Prince & Dodd and Ashbrook, Ryan & Co., nor do I recollect whether Mr. Anderson was in Paducah at the time or not. One thing, however, I do know, he had nothing to do with the closing of the houses in any way whatever ; I alone am responsible. A few days after the closing of the houses of the parties above named,

Mr. Anderson came into my office and asked me in a familiar way, "What about the closing of the house of Ashbrook, Ryan & Co.?" I replied to him, saying that the parties had evidently violated the letter of the trade regulations, and that I intended to investigate their case. Mr. Anderson replied to me that Mr. Norton, of the firm of Ashbrook, Ryan & Co., wanted him to investigate the propriety of the seizure. I showed Mr. Anderson all the laws in reference to the confiscation of goods. After Mr. Anderson had read the law, he remarked to me that he had no personal interest in the matter whatever, and that he did not desire to do anything that would injure the government; that all he would do would be to investigate the seizure, and if it was legal, that he would not engage in the matter any further. Mr. Anderson stated to me that he was not disposed himself to engage in matters of this kind, but the parties were continually pressing him, and that he wanted to get the matter off his hands. I finally came to the conclusion to hold the munitions of war belonging to Messrs. Ashbrook, Ryan & Co., and permit them to go on with their business. Mr. Anderson was present at General Paine's headquarters, when I told General Paine what my conclusion was. I had the contraband goods removed to another house. This is all I had to do with the seizure of the goods belonging to the parties above named. I did hold the contraband goods for some days, but finding that I would have to prove a wilful violation of the trade regulations, I gave them back their contraband goods. I know nothing of his (Mr. Anderson's) receiving anything by way of compensation for any services rendered, in opening any store or stores in Paducah, during General Paine's administration in Paducah. My reasons for giving up the goods was based upon a letter dated Cincinnati, Ohio, August 12, 1864, office of supervising special agent, first agency United States Treasury Department, from David G. Barnitz, deputy general agent Treasury Department, which says: "If you are satisfied that a wilful violation of a material importance has occurred, you will send them (the goods) to Evansville, Indiana, with a full statement of the alleged violation;" * * * "but if you are satisfied there has been no such violation, you will decline to take any custody or control of the goods." In the conversation alluded to before with General Paine in reference to the store of Ashbrook, Ryan & Co., I applied the same rule to the house of Prince & Dodd; I left it with General Paine to open the house at his pleasure. All that I know about Mr. Anderson's connexion with the opening of the house of Prince & Dodd is, that he advised General Paine to open the house because the parties were Union men, refugees from Tennessee; and he further said that he did not know personally either of the men, but received his information as to their loyalty from reliable Union men of Paducah. Mr. Anderson could not go to his home at Mayfield, Kentucky, until General Paine went there with troops for his protection. There are no troops at Mayfield now, and I believe it would be impossible for Mr. Anderson to go beyond the "picket lines" at Paducah without danger of losing his life. I understand that an order has been issued by General Paine, laying a tax on the shipment of tobacco and cotton, amounting to ten dollars per hogshead of tobacco, and ten dollars per bale of cotton. Mr. Anderson told General Paine that he, as a Union man, could not defend that order, and urged him to revoke it, upon which solicitation the tax was reduced to two dollars each. Mr. Woodward, who was appointed by General Paine superintendent of trade, told me he had received this tax money. I do not know what became of the money he received.

THOMAS M. REDD.

The deposition of John T. Bolinger, taken before the committee on the 16th of February, 1865, appointed to investigate charges against L. Anderson, a member of Congress, charged with bribery, corruption, &c.—Said Bolinger, being first sworn, stated as follows:

Question. State when General Paine took command of western Kentucky. State, if you know, where L. Anderson was at the time; if at Paducah, why he remained there, if you know; and how long he remained there, and when did he go from there, where he stayed, and all you know relative to his acts and conduct whilst General Paine was in command of western Kentucky.

Answer. General Paine took command of western Kentucky, with headquarters at Paducah, between the 15th and 20th of July, 1864. L. Anderson was at Paducah at the time General Paine took command; his home was at Mayfield, Kentucky, twenty-six miles south of Paducah; he remained at Paducah because his life would have been endangered, as the country outside the picket lines of Paducah was filled with rebels and guerillas. He remained at Paducah until federal troops were stationed at Mayfield, by which protection was given to Union men. He remained at Mayfield until he left for Washington to look after the draft in his district; remained at Paducah a few days on his way to Washington, and returned to Paducah some four days before General Paine was removed. As soon as he reached Paducah, on his return from Washington, he left for Mayfield, where his family was, and remained until after General Paine was removed.

Question. Did General Paine, to your knowledge, whilst in command at Paducah, take property or money from any person or persons, and divide the same with you or Anderson? Was there any confederation with you, Anderson, and Paine in taking property and money, or either, from any person or persons? If so, state who it was taken from, and the character of the property. State, further, if Anderson was engaged in any kind of speculation whilst Paine was in command at Paducah.

Answer. General Paine did not, to my knowledge, while at Paducah, take money or property from any one and divide the same with myself and L. Anderson, or either of us, in any way, directly or indirectly; neither were we in any way, directly, or indirectly, confederate together for any purpose whatever, either for purpose of making money or anything else; neither do I know of any kind of speculation in which General Paine or L. Anderson was engaged in in any way whatever. I know that L. Anderson at all times refused to engage in any kind of speculation since the war began. I further know that he was and has been engaged, ever since the war began, doing all he could for the Union people of his district free of charge.

Question. State whether or not Anderson had anything to do with assessments on rebel sympathizers to pay Union men for the losses sustained by rebels and guerillas under the order of the President, under which General Paine was acting, or whether he had the poll-books in his possession, as stated in the report of Fry & Co,

Answer. Anderson had nothing to do with the assessment question—assessing rebels to compensate Union men for losses sustained by rebels; General Paine placed the matter in other hands. Mr. Anderson never had the tax or poll books in his possession; he had his room at the Continental Hotel, where his door was kept open all the time. Myself and others took the tax and poll books to his room, as it was the most convenient place we could get; but I never saw Mr. Anderson pay any attention to the books, or interfere, or make any suggestions about them or the tax in any way.

Question. Do you know anything about the closing the houses of Ashbrook, Ryan & Co. and Prince & Dodd? If so, state all you know, and also all you know about the opening of said houses, and whether there was any collusion on the part of Anderson with any person or persons in reference to said houses in any way whatever.

Answer. I know nothing about the closing or opening of the houses of Ashbrook, Ryan & Co. or Prince & Dodd. I know of no collusion of any kind

with anybody in any way about it; in fact, I know nothing of the transaction from beginning to ending, in any way, directly or indirectly.

J. T. BOLINGER.

The deposition of P. J. Ashbrook, taken before the committee to investigate charges against L. Anderson, for bribery, corruption, and malfeasance, on February 24, 1864.—Being first sworn, testifies as follows:

I reside in Paducah, Kentucky, and am a member of the firm of Ashbrook, Ryan & Co. In August last the house of said firm was closed, on the information and charges preferred, as I understand, against it by Thomas M. Redd, surveyor of the port at Paducah, Kentucky. The charges were a violation of the regulations of the Treasury Department, in this—that the firm of Ashbrook, Ryan & Co. had sold a barrel of sulphur to Prince & Dodd. This sulphur, so sold, had been brought to Paducah under the old regulations, and had been in the house for at least six months. Prince & Dodd were retail grocers, doing business inside the federal lines, and could sell no article to go outside the lines without the consent of the treasury agent, and also the military. After the house was closed, myself, with another member of the firm, applied to Mr. L. Anderson to assist us in having the house opened. Mr. Anderson was not at Paducah at the time the house was closed, but came to Paducah in a few days afterwards from his home, on his way to Washington. We agreed to pay him for his services if he would remain and aid us in the matter. He staid in Paducah a few days, and did aid us in having our house opened; he then left for Washington, and was gone for some time. I do not know that Anderson received one cent in money or anything, as a fee for his services in the case, although we agreed to pay him for his services.

P. J. ASHBROOK.

The deposition of P. D. Yeiser taken before the committee to investigate the charges against L. Anderson, March 2, 1865:

Question. State all you know relative to the action of L. Anderson, when General Paine, was in command at Paducah, in the case of Ashbrook, Ryan & Co., whose house had been closed by the surveyor of the port.

Answer. I know nothing relative to the action of Hon. L. Anderson in conjunction with the Ashbrook, Ryan & Co. case referred to in the question, save and except what Mr. Anderson stated himself before the commission held in Paducah, Kentucky, by Brigadier General Fry and Colonel Brown, and his statements made at that time were, as I recollect, substantially reduced to writing. I forget whether signed by Anderson or not, but my recollection is they were signed.

P. D. YEISER.

The deposition of J. P. Prince, taken before the committee appointed to investigate the conduct of Hon. L. Anderson, March 2, 1865.—First being sworn, states:

That he was, at the time General E. A. Paine commanded at Paducah, Kentucky, a member of the firm of Prince & Dodd, retail grocers, at the time and place aforesaid; that their said house was closed on the request and at the instance of Thomas M. Redd, surveyor of the port, for an alleged violation of the regulations of the Treasury Department, in this, to wit: the firm of Prince & Dodd bought of the firm of Ashbrook, Ryan & Co., one barrel of sulphur, which had been brought to Paducah under old regulations, and the same could not have been sold by our firm to go outside the federal lines without the consent of the treasury and military authorities. After our said house was closed we visited General Paine in person, and talked the matter over and explained to him our action in said purchase of sulphur; did not employ L. Anderson to aid us in hav-

ing our house opened; neither do I know, except by information, that he did interfere in our behalf. The house was finally opened, and I understand Anderson, at the solicitation of Mr. Thompson, did ask General Paine not to inflict a fine of \$1,000 on the firm for said supposed violation of trade regulation. I was a stranger to Anderson at the time; never had been introduced to him; did not pay to him a fee for his services, but shall always respect him for what he did in our behalf.

J. P. PRINCE.

The deposition of C. M. Thompson, who, being sworn, stated as follows:

I am a citizen of Wayne county, Tennessee, in the employ of the United States government as local special agent for the valley of the Tennessee river, headquarters at Paducah. I am acquainted with Mr. Anderson, member of Congress from the first district of Kentucky; I also know Prince & Dodd, merchants, at Paducah. I knew the house of Prince & Dodd had been closed by the authorities at Paducah. I had been acquainted with these gentlemen throughout the rebellion. I knew them in Tennessee. They were from my neighborhood. I knew they were Union men, and therefore took an interest in their welfare. Accidentally hearing that the goods belonging to that firm were to be invoiced and confiscated, I proceeded immediately to hunt up Mr. Anderson, to assist me in preventing such a procedure. When I met him I stated the case to him. He said he did not know the men, but on my recommendation he would go with me to General Paine in their behalf. When we reached General Paine's headquarters Mr. Anderson presented the case of Prince & Dodd, stating that he was acting on the recommendation and statements of Mr. C. W. Thompson; that he was not interested in the matter, but thought, as these were Union men, their house should be opened, and they not subjected to the penalties of confiscation. General Paine declined to stop the proceeding at that time. We left, other parties having come in. After leaving, and about dark, I asked Mr. Anderson to interest himself and see that these men were not punished as contemplated. He told me he would go that night to see the general again, and we separated. I met Mr. Anderson early next morning as he came from breakfast, and asked him if he had seen the general, and what news he had. He replied that the house of Prince & Dodd had been unconditionally released; that he had not time to talk to me, for the boat was waiting at the wharf, and he must be off for Washington city. Prince & Dodd knew nothing about my interview with Mr. Anderson, nor did they know that he had gone with me to see General Paine in their behalf until I told them about it afterwards. Mr. Anderson, to my knowledge, did not see the parties either before or after the interview with General Paine.

C. M. THOMPSON.

John M. Brown, being sworn, states:

I was one of the commission ordered by General Burbridge to go to Paducah and examine into the conduct of Brigadier General Paine. I was the recorder of the proceedings. Mr. Anderson was before the commission and made his statement in writing. I know nothing of the matter save what was in that paper. Mr. Anderson was sworn by me. The evidence was dictated by him and reduced to writing by me, read over to him, and then signed by him. The paper was forwarded through General Burbridge to the Secretary of War. Brigadier General S. S. Fry was the other member of the commission.

JNO. MASON BROWN.

JOHN P. BROWN.

[To accompany bill H. R. No. 813.]

MARCH 3, 1865.—Ordered to be printed.

Mr. Cox, from the Committee on Foreign Affairs, made the following

R E P O R T .

The Committee on Foreign Affairs, to whom this matter was referred, beg leave to report :

That the said John P. Brown has repeatedly, since his connexion with the legation at Constantinople, represented the government of the United States of America in the capacity of chargé d'affaires *ad interim*. These periods extend as far back as A. D. 1838, and four of them are as follows, viz :

From April 16, 1838, to July 19, 1839 ; from March 6, 1843, to January 15, 1844 ; from August 5, 1845, to July 1, 1846 ; from October 20, 1849, to February 23, 1850 ; making together three years, four months, and thirteen days.

During these periods he held the office of dragoman or oriental interpreter to the legation, with a salary of \$2,500 per annum, and that of a chargé d'affaires then was \$4,500 a year. At various times he petitioned Congress for the allowance usually granted for similar services ; and it was only in the session of 1850-'51 that an act was passed in his favor, allowing him \$5,120, whilst the entire sum claimed by him for the four periods aforestated was \$6,738 84. The committee do not believe that either of these periods was rejected by Congress, and are of the opinion that the petition for one of them was not before it when his claims were taken up and acted upon. The period thus omitted was probably that from March 6, 1843, to January 15, 1844. The amount still due to him, in consequence of this omission, is \$1,618 84. As the usual wording of the act, viz., "in full payment up to this date," (1851,) offers a serious difficulty to the rectification of the error, the circumstances of the omission are left to the justice of Congress. The committee propose to include that amount in the bill reported. Since the latter of these four periods the petitioner has served again in the capacity of chargé d'affaires *ad interim*, for which he has not received any remuneration whatever, viz : from July 30, 1852, to July 5, 1853 ; December 19, 1853, to January 31, 1854 ; making together twelve months and nineteen days. He was at the time still holding the office of dragoman to the legation, with a salary of \$2,500 per annum, and that of chargé d'affaires was \$4,500, so that the amount due to him, as the difference between the two salaries, is \$2,105 54.

In addition to the preceding, the petitioner is entitled to a remuneration for other services rendered by him in connexion with the legation. He has brought them before the Department of State, and, though it admits the services, it expresses its inability to give him any relief, so that he is compelled to submit them to the justice of Congress. These are the following :

On the 19th of February, 1857, the petitioner was appointed consul general of the United States at Constantinople, and from that date to October 30, 1858, the office of secretary and dragoman to the legation remained vacant. He was informed, unofficially, that it was the intention of the President he should continue to perform the duties of dragoman to the legation in addition to those of consul general. In consequence of this intimation, as well as on the official request of the minister resident, he performed, under his instructions, all of the duties of dragoman, as well indeed as those of secretary, and asks some proper remuneration for these superadded services for one year, eight months, and twelve days.

On the 30th October, 1858, the petitioner was appointed to the office of secretary and dragoman to the legation, and was notified by the Department of State of the appointment of another person as consul general at Constantinople. This latter did not come to Constantinople until the 18th of March, 1859, so that the petitioner performed all the duties of secretary and dragoman to the legation, and the superadded services of consul general from November 1, 1858, to March 18, 1859—four months and 19 days—and asks a proper remuneration for the same.

For the period between February 19, 1857, and October 30, 1858, viz., one year, eight months, and twelve days, he is entitled to be paid at the rate of \$1,000 per annum, the salary allowed for the office of dragoman to the legation, making \$1,666 66; and for that between November 1, 1858, and the 19th of March, 1859, viz., four months and nineteen days, he is entitled to be allowed the half salary of the consul general at \$1,500 per annum, making \$676 60. Your committee, in conclusion, respectfully referred the matter herein to the Department of State for confirmation of the preceding statements, and append hereto the letter of Mr. Seward. They submit a bill for remuneration to the petitioner of the aggregate amount of said claims, being the sum of \$6,067 64.

DEPARTMENT OF STATE,

Washington, February 28, 1865.

SIR: Your letter of the 23d instant has been received. There is nothing on the files of the department to invalidate the statements contained in the petition of Mr. Brown, which accompanied your letter, and the department cheerfully bears testimony to the efficiency with which he has performed the various duties that have from time to time been assigned to him during his long residence in the east. The petition is herewith returned.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. H. WINTER DAVIS,

House of Representatives.

House documents

Bd.: [211.] 1864/65 (1865) = Congress 38, Sess. 2

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